STATE OF MICHIGAN

OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

In the Matter of:

Kuis Drainage District

Board of Determination for
Petitioned Maintenance, Adding Lands and Improvement to
Kuis Drain Drainage District

February 5, 2014
6:30 P.M.

Whitlow's Hall
4759 Airline Hwy.
Fruitport, MI 49461

Board of Determination:    Mr. David Kieft, Jr.
                         Mr. Lou Nordlund
                         Mr. Thomas E. Raap
                         Ms. Judy Marcinkowski (alternate)

RECORDED BY:    Michelle M. McKee, CSR 3841
                 Certified Shorthand Reporter
MS. BRENDA MOORE: We're ready to-- Can you hear me okay? Well, we're going to begin. It is 6:30, we're going to let--

I don't see everyone, so I'm going to ask, anybody in Sullivan or Fruitport boards that want to be acknowledged?

(Whereupon, hands raised.)

MS. BRENDA MOORE: And anybody else want to admit? Would you stand up, stand up.

MS. MARGIE NASH: Hi, everybody. I'm Margie Nash. I'm a Fruitport Township trustee, just like Chuck Whitlow is.

MS. BRENDA MOORE: Who's trying to hide behind that map. Could you wave?

MR. CHARLES WHITLOW: (Whereupon, raised hand.)

MS. BRENDA MOORE: Who else have I got here?

MS. SUE BUCKNER: Sue Buckner, Sullivan Township trustee.

MS. BRENDA MOORE: Thank you. Who else?

MS. MARY KOTECKI: Mary Kotecki, Sullivan Township.

MS. BRENDA MOORE: Thank you. Sir, you got to stand up now.

MR. BUTCH MICHELLI: I'm Butch Michelli. And
I'm Sullivan Township Board of Appeals and the Zoning Board of Appeals.

MS. BRENDA MOORE: Okay. I see our county commissioner. Stand up, Marv, and wave, please.

MR. MARV ENGLE: (Whereupon, raised hand.)

MS. BRENDA MOORE: And a representative from the Road Commission, Mr. Hulka.

MR. HULKA: (Whereupon, raised hand.)


MS. NANCY WATER: Nancy Waters, the Muskegon County Clerk.

MS. BRENDA MOORE: We've still got people coming in. I'm Brenda Moore, I'm the drain commissioner. Can you hear me okay?

(Whereupon, audience responded affirmatively.)

MS. BRENDA MOORE: I was appointed last November when we lost Mr. Fisher. This was actually a project that he started, actually was a petition that started this project, so the petition was dated-- Was it last July?

UNIDENTIFIED SPEAKER: May 13th.

MR. RYAN McENHILL: May 29th of last year.

MS. BRENDA MOORE: Thank you. May 29th of
last year. So what we're doing is we're picking this up and we're continuing with the process.

Okay. I think what I'd like to do is get started. I think things are winding down for people coming in.

We've got a Board of Determination tonight. What this is is the drain office was petitioned by five property owners of either a township or five property owners that can petition. And so when this happens, the drain commissioner has to start investigating the problem.

So what has happened is our engineers, Ryan and Brian-- Where is Brian? --they actually do what I call a walk about. They've gone and done the preliminary investigation. That is on our web site, as is the map, and we have the map here.

So tonight, they're going to report what they found, but I am not to be part of the decision as the drain commissioner. We have a Board of Determination here. And two of these folks I just laid eyes on tonight. They're supposed to not live in the area. They're supposed to be objective.

So we've got Dave Kieft. Can you give your--

MR. DAVID KIEFT: (Whereupon, raised hand.)

MS. BRENDA MOORE: Yeah, just-- Lou Nordlund, Thomas Raap, and then our alternate, Judy Marcinkowski.
Okay. Thank you. So these folks are going to decide whether we proceed tonight. This is not about an assessment. This is about whether or not we should even continue investigating this project and to try to find fixes to the problems if, in fact, this group decides there is problems. So there's some things I want to go over.

First, I need to swear these fine folks in. So if you'll bear with me, I'll swear them in and have them sign something. This is all part of the process that's outlined in the State Drain Code, the state law which also has been posted on our web site, if you're curious to read through that. If you can't get to sleep one night, you can start reading that.

I'm going to set this down and administer the oath. Okay? Okay. I'm going to read this just as it's on here. The undersigned, David Kieft, Jr., Lou Nordlund, Thomas Raap and Judy Marcinkowski, our alternate, being first duly sworn and said that they will faithfully execute with strict impartiality and according to the law and to the best of their abilities the duties of the Board of Determination to determine whether the proposed improvements to the Kuis Drain project located in Fruitport and Sullivan Townships are necessary and conducive to public health, convenience or welfare and whether the proposed improvements are necessary for the protection of
the public health in Fruitport Township and Sullivan Township, Muskegon County, State of Michigan.  

(Whereupon, Board of Determination affirmed.)  

MS. BRENDA MOORE: If you could give it to Stephanie after you do that. We have a little ice breaker here. I also want to introduce Stephanie Barrett, she's my deputy. Is there anybody else I need to worry about? I don't want to offend anyone.  

When I first started this, I said Kuis Drain, and then I heard Kuis, and then I heard Kuis, and then I heard-- What was the fourth one?  

MS. STEPHANIE BARRETT: Kuis.  

MS. BRENDA MOORE: How do you say this? Is there anybody--  

UNIDENTIFIED SPEAKER: It's a Dutch name.  

UNIDENTIFIED SPEAKER: I added an R to it.  

MS. BRENDA MOORE: Now we got another variation? Maybe we'll vote after the meeting.  

I apologize if I'm not pronouncing somebody's name right, because most of these drains were named after a person.  

Now can you hear okay? I'm trying to-- Okay. Let me finish with this. We've administered the oath. And there's some -- just some business that I want to go
through and then I'm to be quiet, unless you have questions of me. And we'll turn it over to the engineers and then we'll open the public hearing portion after the engineers have made their presentation. Okay?

So the petition was filed on May 3rd -- not May 3rd, in May of 2013, and the actual petition language is pretty standard. It says cleaning out, widening, deepening, straightening, tiling, extending, improving structure along the said lands of this particular drain. If you look at the map, this actually is -- is several different things. We're proposing that land be taken out of the district because it actually does not drain to the drain, and we're proposing land be added to the district because, as part of the field work, they found that there were lands that drained to the drain that weren't in the district. And then there's a discussion about extending the drain to Black Creek and then maybe some other improvements that we'll let the engineers take up.

The drain code is a state law. It requires that upon receipt of a petition that the drain commissioner appoint a board of determination. What I did is I talked to the supervisors of Muskegon Township, Ravenna, and Casnovia and I said: Can you offer some folks up that can do this for me? They can't be residents or own property in the area and they can't have any interest in the area.
The Board of Determination elects a chairperson and secretary, which we will have happen before the engineers give their presentation. We have a court reporter that actually takes the minutes so everything is verbatim. If anybody wants to go back on that, we will post the -- what the court reporter comes up with as soon as we get that from her.

The Board of Determination hears testimony related to the necessity of the improvements to the drain. They also hear testimony on the necessity of adding lands to the drainage district.

After the public testimony, the Board will decide tonight whether the proposed improvements are necessary and conducive-- And this is state language. --conducive to public health, convenience or welfare and whether it's necessary to add lands to the district.

You have received notice because you live in the drainage district and you may be liable for an assessment if this project continues and if we decide to -- to have a special assessment in the end. But again, tonight we're just deciding whether or not we should move forward with this project.

Stephanie and I will be here for the meeting. We really don't have a role. I just want to hear what people have to say, but we're not part of any decision
process.

Brian Cenci and Ryan McEnhill are our engineers and they're going to give the presentation. They are obligated to be impartial. They actually did an investigation. They're going to report. They're not going to try to convince anybody we have to do anything in particular. They're just telling us about their findings.

And I mentioned before, this is not about whether or not there is an assessment and what that assessment will be. We're not even to that point. We're if -- if this is -- if the Board of Determination decides to go forward, there are other steps in the process that would get to that and you would be noticed for that, also.

Okay. This is the last thing I have to say before we turn things over. If any property owner feels aggrieved by this decision, they may appeal the decision within 10 days, and that appeal must be filed in Muskegon County Circuit Court. I will mention this after the meeting, too.

Any questions before we get started?

(Whereupon, no response.)

MS. BRENDA MOORE: Okay. Let's get going.

UNIDENTIFIED SPEAKER: I got one.

MS. BRENDA MOORE: Yes, sir?

UNIDENTIFIED SPEAKER: You said if you appeal
this decision within 10 days, you're talking about 10 days from today?

MS. BRENDA MOORE: Yes.

UNIDENTIFIED SPEAKER: Is that what you said?

MS. BRENDA MOORE: 10 days from the decision.

UNIDENTIFIED SPEAKER: The decision that you're going to make, are you going to make today?

MS. BRENDA MOORE: Yes. The Board of Determination will decide whether or not my office is to proceed with this project.

UNIDENTIFIED SPEAKER: All right.

UNIDENTIFIED SPEAKER: Will they decide that tonight?

MS. BRENDA MOORE: Yes, sir. That will be decided tonight. Yes. They will vote tonight all before you.

UNIDENTIFIED SPEAKER: Is that 10 business days?

THE COURT: Yes.

UNIDENTIFIED SPEAKER: Calendar.

MS. STEPHANIE BARRETT: Calendar.

MS. BRENDA MOORE: Calendar? I'm sorry.

Okay. Are you guys ready?

MR. DAVID KIEFT: Yes.

MR. LOU NORDLUND: Yes.
MR. THOMAS RAAP: Yes.

MS. BRENDA MOORE: Ryan?

MR. RYAN McENHILL: Yes.

MS. BRENDA MOORE: Are you ready to elect your secretary and chair? I'm sorry. Board of Determination? I'm going to turn this around so people can come and see.

MR. ROBERT HEDGES: Who is the court reporter?

MS. BRENDA MOORE: The court reporter is the young lady to the right of Stephanie. And these four individuals are the Board of Determination. Judy is an alternate, so she will not be voting. But the three gentlemen are the Board of Determination.

And you guys now can take it. I'll turn it over to you and you can elect your chair and your secretary and then we'll give it to the engineers. Okay?

MR. LOU NORDLUND: I elect David as chair.

MR. THOMAS RAAP: I concur. I'll elect Lou as secretary, then.

CHAIRMAN DAVID KIEFT: I guess I'm the chair.

MS. BRENDA MOORE: Mr. Kieft is the chair.

You guys are probably going to have to talk a little bit louder, unfortunately.

CHAIRMAN DAVID KIEFT: I'll support the motion to elect Lou as the secretary.

So I guess I'm the chairman, and we will move
forward with the presentation by the -- of the drainage
district by the -- by the engineers.

MR. BRIAN CENCI: Thank you. I'm going to
talk or try to talk very, very loud, and hopefully you'll
be able to hear me. If I need to speak up or yell louder,
just let me know.

I'm going to do the first portion of the
presentation and then Ryan from our office is going to do
the second portion. That only works if everyone just--

Normally, we have an open dialogue. Because there are so
many people, I ask that you keep all your questions and
stuff until the end of the presentation because most likely
your question will probably get answered as we get into the
presentation.

So to start off, again, I'm Brian Cenci with
Eng. I'm a licensed civil engineer in Michigan. With me
today is Ryan McEnhill. He's also a licensed engineer in
the State of Michigan. Ryan works out of Muskegon and I
work out of our Lansing office.

What you're here for, as Brenda explained, is
a board of determination. This meeting is a statutory
requirement through the Drain Code of 1956. That's
essentially all the motions and things that the Board is
going to be going through tonight is all set up with that
law that's in place. That law again was -- again, written
in 1956 is what essentially all the drain commissioners--
Each county has one. --how they govern their particular
county. That law sets up what they are allowed to do with
drains, how they assess for drain maintenance, and how
these processes take place.

So I've done a number of these throughout I
think 13 different counties throughout Michigan. They're
all a little bit different. This is one of the larger ones
I've done, but I've done maybe about a hundred of these
boards of determination. So we're here for the duration.
The board is here for the duration. The biggest thing
tonight is to hear everyone's comments and any input that
they have in regards to the Kuis Drain system, and I guess
that's how I'm going to call it is Kuis.

MS. BRENDA MOORE: Let it be so.

MR. BRIAN CENCI: So to get started, we're
first going to-- And everyone has one of these
(indicating). Correct? It's tough to see in a place like
this, so I'm going to refer to page numbers as we move
along.

So we're all starting on Page 2. This is just
to give you an overview, the proposed drainage district
boundary. Now I'm going to go through two things. There
is actually an existing district boundary, and I'm going to
explain what that is, and there is a proposed boundary.
The proposed boundary means that's what we as the engineers are proposing to the Board of Determination--

UNIDENTIFIED SPEAKER: Excuse me. We can't hear you back here. Use the microphone.

MR. BRIAN CENCI: Okay. All right. You slide through and I'll talk.

Okay. Can people hear me now?

(Whereupon, audience responded affirmatively.)

MR. BRIAN CENCI: That's better? Okay. We're flexible. So I'll talk back here and Ryan will take us through the slides.

Okay. So we're going to talk about the proposed boundary and I'm going to explain what a boundary is and then the existing boundary. So to start, the proposed Kuis Drainage District boundary encompasses two townships, so we've got Sullivan and Fruitport Townships. It's bordered on the far west side just by you can see US 131 there on the west side, and the green boundary is what we are proposing as the drainage district boundary to the Board today.

So we slide to the next -- go to the next page. Okay. So, Brenda explained, we were -- petition was received in May last year. And one of the things that -- in that drain code that I talked about is the drain
commissioner hires an engineer to perform an assessment of the drain system, and so a very finite amount of work is performed. We don't get into a lot of details because all we're asked to do is say: Here is the drain. We look at the issues that are outlined in the petition, and then-- Now it kicks off. So we look at the issues outlined in the petition and then we perform an assessment of the drain system and then also review the boundary. So this kind of outlines some of the work that we perform.

There may be questions you have tonight. There will be a lot of questions that you have that work that we are -- we're not required or yet set to do because this is the whole purpose is if this Board determines that a -- that the items outlined in the petition are not necessary then it doesn't proceed any further.

So if we're looking at -- if there is an issue on the north end of the drain system and we design a pipe to alleviate flooding up there but this Board determines that it's not necessary, the drain commissioner has thus wasted all that time and money in designing that system, so we do not get into anything as far as design. We're not coming here with a project that we're proposing to you, because they are the ultimate determination on, if there is a project, whether it proceeds forward from here.

So we do do -- perform an analysis of the
system, but there -- we do a very finite amount of work so
that a lot of money is not spent up front if it's not
needed, if this Board determines it's not necessary.
So this just gives you an idea-- And I'm not going to read
word for word, but these are the items of work that we were
asked to perform as part of the analysis of the drain
system.

Let's all flip to the next page. So this is
just -- one of the things we do is we review the drain
commissioner files. Drain files are actually some of the
oldest and best well kept throughout all the counties in
Michigan. They used to have township -- township drain
commissioners back before 1900, and so many of the drain
commissioner records and drains are -- actually, most
drains that we work on are established in the early 1900's.
In this case, this drain was legally established in 1907,
so it's over a hundred years old that it's been legally
established.

This just gives you some of the items of work
that's done. It was extended in 1917 and it was extended
by the same process that you are here today, they had a
petition to extend the drain. So if you look at the
downstream end of the drain there, the two yellow dots, in
1917, it was extended from that yellow dot to the next
yellow dot through this same process that we're here today.
It was cleaned -- the drain system was cleaned in 1927. It was extended again in 1931 down to the second -- you can see the far -- the other yellow dot on the far west hand side.

There's been various private-- There hasn't been-- In the historic records, there wasn't anything between 1931 until the early '70s. There was a clean out of the drain in 1974. There has been some various private maintenance in the last 20 years. Mostly if a property owner was looking to do maintenance on their particular property, they worked with the drain commissioner's office to maybe clean out the ditch or clear some trees or obstructions in the drain on their property.

So that just gives you an overview of what's been completed. The current petition was dated May 3rd of 2013. And again, this is what the Board of Determination is here for tonight is to determine whether the cleaning out, the widening, deepening, straightening, tiling, extending or adding one or more branches of the drain is necessary. That language is archaic. Like I said, the drain code, which has been very -- it has been ratified very few times since 1956, is over 50 years old, so that language comes right out of the drain code.

Just to give you a brief overview, when -- a little history so you understand, when the drain code was
first written, it was essentially -- you know, Michigan used to be primarily a swamp. It was written to take swampland into farmland. So back in the early 1900's, many of our drains are established like this one, in 1907, it was meant to take wetland or swampland and make it agricultural land. When it was -- the big overhaul was made in 1956 primarily the change, to paraphrase in the drain code, was to take farm land and make it residential land. Okay. So there's a big shift in the way that the drain code was changed in 1956 and that's still the way in which we act under.

A couple things about the drain code, just to give you -- this is my paraphrasing of it, too. It is set up to protect the minority. Okay. In Michigan, most people, there isn't a majority of people that have flooding issues, usually. Usually 10 people maybe live in the top of the hill and the one person that has the property at the bottom of the hill has the flooding problem. The drain code is not a majority issue. It's not six people want it and five people don't, so the six people win. It is set up to protect the minority, the one person that floods that is at the bottom of the hill.

So the way the law is written and the way in which the Board of Determination is set up, that just gives you a little bit of an idea of the way in which the law is
set up to operate.

So if we go to the next slide, we're on Page 5 now. This is a very important thing. I'm going to try to simplify. What we're going to talk about tonight is the drainage district boundary. And what that means is it's use -- we use it two ways. One is a physical boundary, meaning like a watershed boundary, meaning that if water falls inside of the -- inside of one of the lines-- Hold on. I'm going to grab my pointer. I dropped my pointer. Oh, it's over here (indicating).

Okay. Okay. What it -- a district boundary is two things. Again, it's a physical boundary. So like a drainage district boundary like the Colorado Rockies or the Appalachian Mountains, those are physical divides of water, may fall one side and drain to another river or creek or another ocean. The other thing we use it for is for -- the drain commissioners use it for assessment purposes, meaning that if there is a portion -- not all, but if there is a portion of your land that may drain into that drain-- So rain falls on your roof, goes into your gutter, your gutter goes onto your yard, some of it percolates into the yard, but maybe a little bit gets out into the ditch in the road, that ditch in the road gets out into the drain, therefore, we use that boundary to determine what the assessment district is for who pays for the portion of the cost within
that drain.

Okay. The current boundary that we're using--
And on this case it is the current boundary that is set up
today. So if there is maintenance work done tomorrow on
the drain is what you see in red there. Okay. That was
established in 1907. There has been a lot of changes
within the drainage district from 1907 to now.

So the proposed boundary-- Again, the
proposed one is what we feel is the watershed boundary is
the green one. So a good thing to look at here is you can
-- you can see that there is a portion of land, the biggest
chunk is on the south end that doesn't even drain into this
drain but legally is set up as the drainage district
boundary. So again, one of the things that the -- that
this board will act upon tonight is whether to essentially
ratify that boundary to what we are proposing.

There are also two -- two things. There is an
existing drain centerline, and that's what you see in blue.
That is the portion in blue that it begins just at the far
west hand side of the red line. We are proposing to extend
the Kuis Drain down to 131, and I'll get into what that

We go to Slide 6. Okay. I kind of went
through this, but a drainage district, the area of land
essentially that catches rain, snow and drains or seeps
into a marsh, stream, river, lake, or groundwater through which these inputs of water then seek a common outlet. So that's essentially the same thing as what a watershed is.

We're all sitting in a watershed right now. Okay. We may be into -- it may go into the ditch out front, or go into the ditch along the highway, or go into a pipe along the highway. All of our water, portions of it, all make it out to Lake Michigan. So there's hundreds of watersheds and district boundaries and things like that all throughout the state. They don't stop at counties. You know, watershed boundaries know -- they don't know township lines or anything like that. They're physical boundaries. So in this case, they cross between Fruitport Township -- Fruitport and Sullivan. There are things that are -- there's watershed boundaries between counties. The Ottawa County Water Resource Commissioner is here. We have drains that are between intercounty drains that are administered at very similar process to this.

So the existing boundary is just over 2,000 acres. Okay. 2,036 acres. The proposed drainage district boundary is 1,826 acres, and the break in that is Fruitport Township is 1,387, Sullivan Township 439 acres.

The other thing that we use the drainage district boundary for is the -- everyone here got a notice, a first class mailing notice. Again, that is a statutory
requirement in that -- that law, the drain code in 1956, that you are supposed to get a first class mailing notice if you are liable for an assessment -- in this case, if you are in that proposed drainage district boundary. And there are just over a thousand properties that were noticed for this particular meeting.

You flip to the next slide, we're on Page 7. If we look at the far east end down near US-31, do you see that yellow line in there? That is currently -- that's currently a private waterway. It's not under the jurisdiction of the Drain Commissioner. So if there is maintenance work or issues within that system, the Drain Commissioner does not have the legal right to go in there and do anything within that drain. They only have the legal right of what is part of their drain system.

What you see the blue is essentially the Kuis Drain, that is the legal county drain as of today. We are proposing part of it is to extend the county drain down to US-31 so that can be under the jurisdiction of the drain commissioner, as well.

This is very common throughout. There is many drains which we call orphan drains, meaning that they have no ownership, that they exist. When there's something that needs to be fixed or upgraded, there is no ownership over them. In this case, we're proposing to extend a portion of
it down to US-31 so that again can be under the jurisdiction of the Drain Commissioner.

We go to the next slide. And I kind of explained this, but anything that we talk about tonight that is called part of the county drain, meaning that, again, the Drain Commissioner today has an easement over or right of way over or some ability to come over and perform maintenance within that drain or perform maintenance on that drain or improvements upon that drain. What we call private, meaning you may be in a subdivision and part of that subdivision system was built by the developer. Maybe it was never turned over to the Drain Commissioner office. If something goes wrong with that, there is nobody that is essentially in place to administer or take over or to perform work or maintenance on that private system. Okay.

That is very common in Michigan.

We had a huge housing boom. Many drain systems were built by a developer. They were never turned over to a drain commissioner. They don't have to always be turned over to a drain commissioner. Sometimes townships have jurisdiction over them in some counties but they're never turned over, so 20 years later, 30 years later, something happens, a pipe breaks, it needs to be fixed, a pipe needs to be cleaned out, there isn't any entity that's set up to maintain that drain system.
So when we talk about something that's private, it might be something that is on your property that is like a ditch that drains into the drain but right now, as of today, does not have any jurisdiction for the Drain Commissioner to maintain or improve that.

So what you see in blue is what is currently the county drain. Again, yellow is part of the private drain system. And then you can see some little yellow dash lines up near Brooks and Dangl, you can see those. Those are current private ditches that drain into the Kuis Drain.

MR. ROY HOLDEN: Excuse me just a second.

MR. BRIAN CENCI: Yes.

MR. ROY HOLDEN: You're going through this thing so fast and people are sitting there thinking about questions and you just keep on going and going and going. By the time the first question is thought about, you already went through your half hour, 45-hour spiel. How do you -- how do people ask that question in a correct way?

Like just -- just like that right now, you've got inspectors, you've got building inspector, and you've got your township, you've got your -- everybody that does all your drains for your septic system, your septic tanks, and you're telling us just now that 20 years down the road, if I still live in my house, if I do live in a subdivision, 20 years down the road, nobody has -- nobody has a purpose
or a solution on this whole thing, but it's my fault
because I live in a subdivision.

So I'm just -- I'm just trying to explain to
everybody else that, just like this here, I live in a
subdivision, you know, so now if -- if I have a water
problem or a drain that's not draining correctly, who pays
for it? You're just saying that I got to pay for that?

MR. BRIAN CENCI: If it's not -- if it's
something that you live in a subdivision and that drain is
not part of this drain system, then the Drain Commissioner
does not have the ability to come in and fix it and then
turn around and assess you for it. Okay?

MR. ROY HOLDEN: So--

MR. BRIAN CENCI: They can only do what -- as
part of the drain system. What is petitioned here tonight,
if you look at the language, it talks about extending or
adding branches. So if this proceeds past this point,
there would be some that we would look at taking over as
part of the drain system to look to -- if there are issues
like that to be able to fix those.

MR. ROY HOLDEN: So that -- so that -- and it
goes to the state, not to the town? Goes to the state,
then, or goes to just me paying for it?

MR. BRIAN CENCI: I'll explain the--

MR. ROY HOLDEN: I mean, I don't have an issue
at my house. I'm just asking everybody else.

MR. BRIAN CENCI: When Ryan gets to his
portion regarding the drain system, that's really to be a
testimony to the board, I will go through how the cost and
all that stuff is associated with the drain.

If you have a question, the best thing to do,
I've been to these, is write it down now and we will answer
-- we will be here; however, write it down now and we'll
answer it for sure. Okay?

MR. ROBERT HEDGES: Can I just clarify one
thing?

MR. BRIAN CENCI: Yes.

MR. ROBERT HEDGES: Is the Board hearing this
information for the first time?

MR. BRIAN CENCI: Yes.

MR. ROBERT HEDGES: They've never heard it
in-- There hasn't been any previous meetings or
presentation by the engineers?

MR. BRIAN CENCI: No.

MR. ROBERT HEDGES: This literature hasn't
been presented to them in advance?

MR. BRIAN CENCI: No.

MR. ROBERT HEDGES: You're seeing and hearing
it for the first time today?

MS. BRENDA MOORE: It's on the web site.
MR. BRIAN CENCI: It's on the web site, which -- which is something that we put on. So I don't know if they went on the web site or not, but that's made available.

CHAIRMAN DAVID KIEFT: I grabbed one on the way in.

MR. BRIAN CENCI: I think they are seeing -- they did not look at -- they're seeing this for the first time, but that is the intent of the meeting, too.

CHAIRMAN DAVID KIEFT: Brian, could -- when people -- when people ask a question, could you please state your name and address so that the court reporter could get it? I'm not saying you have to, it's not mandatory, but it would -- it would be helpful as we're going through the meeting if you would, please.

MR. ROBERT HEDGES: I was the last question. I'm Robert Hedges, 3125 Creekview Lane.

CHAIRMAN DAVID KIEFT: Thank you. Go ahead, Brian.

MR. BRIAN CENCI: And there are cards, too. If you have a question and you want to write it down, there are note cards, easy way for us to keep in order, because there are a lot of people here and it will get hard with everyone raising their hands. I've done these in the past and I've done a back and forth as we get through, but then
we get kind of off track, so we'll get through this for the Board and then we'll -- we can answer any questions you have.

All right. So Ryan is going to talk. Many of you may know Ryan from doing the study and the on-site work that we did.

MR. RYAN McENHILL: I'm going to be going through the existing conditions. And I probably been out at this site probably on five different occasions walking the entire length of the drain, documenting by pictures. And one of the big things that we find in doing these preliminary engineering reports--

UNIDENTIFIED SPEAKER: Ryan, we can't hear you back here.

MR. RYAN McENHILL: Okay. --is trying to get as much input from the home owner as possible. You guys live there. You know what the issues are. And we want to -- want to get to the bottom of those, too, so we can include a lot of that information in our report.

So one of the things that we did was sent out letters to everybody in the drainage district. And actually, we over noticed a little bit to try to develop a study area maybe 500 feet outside what our final district boundary ended up being to try to document what particular issues that people were having out there. And this exhibit
kind of outlines what those particular issues were.

And you see the different color codings that we have on there and they're a little difficult to see, but the colors kind of stand out. The red being properties that contacted us with basement flooding issues or concerns, the blue -- and those -- most of those areas are kind of centrally contained in the district. But the blue -- the blue areas we kind of found spotty areas throughout the district. And then we also asked people, even if you have non-issues, to let us know about those, too, just so we can understand those, as well.

And we actually got kind of an overwhelmingly response from the letter and people scheduling meetings with us. We had two different -- we had myself and also another engineer out on site for one day scheduling meetings with property owners every 15 minutes from 8:00 o'clock in the morning until 7:00 o'clock at night, so we talked to a fair bit of you and a lot of you look familiar, too. So we're going to expand on a lot of these issues that are outlined in this exhibit in a little bit more detail here as we go through the presentation.

Flipping -- flipping to the next slide, Brian, I'm going to go through existing conditions and I'm going to start at the downstream end, which is the private waterway section. This is the area, this Kuis Drain
outlets to Black Creek right adjacent there to 31. I kind of feel like pictures kind of show these things a little bit better than me just verbally talking about them with you, so we like to include pictures in there.

The drain in this area is generally 10-feet wide, bank 3-to-12 feet in height. Some of the issues that we noticed in this particular -- this particular section was a little bit of bank erosion. The slopes specifically on the west side are very steep as they go up to 31 and that kind of results in a lot of sedimentation in the drain, and ultimately the sedimentation ultimately winds its way to Black Creek and then -- but it also gets down to Mona Lake, as well. And the flashy conditions that we have labeled there, a lot of times these erosion issues come to light when you get a lot of flashy drain conditions where the water rises quickly and recedes quickly. And ultimately what happens, especially on those steep slopes, is that ultimately the bank ends up coming down with it.

So these two pictures kind of dictate that. The one on the right side -- the right side there is actually a 90-degree -- 90-degree bend at the drain where it turns parallel to 31 and it's actually just a 12-foot kind of shear wall that's eventually eroded over time.

Want to hit that next one, Brian? Just moving a little bit further to the east from that point, these are
kind of a typical section that we see throughout this --
this area. It's again 10-foot wide drainage way, a little
bit shallower bank. Then we get into these sections, minor
log jams throughout. The right-hand picture, a little bit
tough to see, but there's actually a concrete stairway
there in the middle of the drain.

A lot of these issues that we found in this
private section of the waterway is that it's a little bit
out of sight, out of mind. We know that from doing my site
walk out there, these -- the drain sits well below the
homes in this area, maybe 30 feet. It's in a wooded
section, so flooding is -- is not an issue in this
particular area. It's a section that could likely be
cleaned out just to kind of get rid of a little bit of
those sedimentation issues. But overall, the drain is in
fairly good condition, other than the couple of bank
erosion there that we -- we saw on the first slide.

The next slide here, these are -- there's only
two -- two culvert sections on this section of private
waterway. One of them is on Ellen Street, which is a
60-inch COB pipe. The other one on the right-hand side is
a 60-inch concrete pipe that is there I believe because of
an old railroad right of way where they tried to extend it
underneath -- underneath that old railway. Both of these
are experiencing a lot of erosion there on each side of the
And a lot of times what happens with these is as water rises, eventually it doesn't make its way into the -- into the pipe, it ends up going around the pipe. Water rises and it eventually pulls that -- that sediment and erodes that area. You can see how much of that corrugated metal pipe is actually exposed. And typically that's one of the ways that kind of roads are lost. In this particular case, the culvert is extended so far from the road, it's not an issue.

The second pipe, the concrete pipe, you can actually see that the joints have actually become disjointed, you know, there's -- there's six-inch gaps in those joints. And actually if you go on top of the -- top of the embankment and walk the section of that probably 50-foot section of culvert, there's actually 5-foot sink holes that go down primarily probably from these sections of joints being disjointed and allow a lot of those sedimentation to get into those pipes. But those are the two -- two culverts.

The other main issue that we found on this private waterway with these culverts, and it's likely just because it's a private section, is that they're significantly smaller in capacity than the upstream culverts. The upstream culvert at Sheridan Road is a
6-by-6 foot box holer, which is 36 square feet of capacity, and these pipes are only 26 square feet of capacity, so it's almost a 50 percent reduction in that capacity available in these pipes.

So that's kind of just a snapshot.

UNIDENTIFIED SPEAKER: Can I ask you a quick question?

MR. RYAN McENHILL: Sure.

UNIDENTIFIED SPEAKER: They just rebuilt that one on Sheridan this last year.

MR. RYAN McENHILL: Yes.

UNIDENTIFIED SPEAKER: Do you have any idea how big it was before they rebuilt it?

MR. RYAN McENHILL: Well, my understanding is that a culvert itself wasn't rebuilt. What they did was added some— And Paul can maybe talk to this more, but they just added a little bit more stability over the top of it adding a concrete -- a one-foot concrete encasement on top of that to give it a little bit more support.

UNIDENTIFIED SPEAKER: Okay. So it was always that size?

MR. RYAN McENHILL: Correct.

UNIDENTIFIED SPEAKER: I got a question, too. The one you got on Ellen, which is right by my house, when we had that hard rain and the creek behind my house would
overflow, I walked down there with that rain, that was
still running three-quarters full, going right through
clear as could be. There was no wash up on either side
because I was right next to it. I looked -- I put my head
right down in there, right down the hardest rain we had.
That was April 18.

MR. RYAN McENHILL: Okay.

CHAIRMAN DAVID KIEFT: Ryan, if they're going
to -- if they're going to ask questions, they need to state
their name and address to get an answer to their question.

MR. RYAN McENHILL: Please state your name and
address if you're going to ask questions. And ideally if
we can wait until--

MS. MARJORIE NASH: Marjorie Nash, Fruitport
Township trustee. You've done a nice job in taking
pictures, but why couldn't you identify where they are?

MR. RYAN McENHILL: That's what we tried to do
with--

MS. MARJORIE NASH: Well, you don't have
addresses or proximate so and so.

MR. RYAN McENHILL: We're--

MS. MARJORIE NASH: I don't know where this is
and I've -- I've lived here 42 years but, I'm sorry, I
don't know--

MR. RYAN McENHILL: Well, that's what the
stars, we're trying to--

MS. MARJORIE NASH: Well, your map is pretty small for senior citizens and I don't like it.

MR. RYAN McENHILL: What we're trying to do--

What we're trying to do today is give you just a general overview of -- of the condition of the drain. Okay?

Okay. Now I'm going to-- That was just a little bit of info on the private waterway system. Now we're going to talk about the conditions that exist in the actual county drain system, which is the legally established section now.

These -- these photos are taken from the drain on the north side of Brookmere basically showing some of the bare -- the bare bank, lack of vegetation on the north side of that drain. Being exposed like that is very susceptible to erosion, so that's why -- that's why we like to show those types of pictures. Typically, we want to have grass so that we can maintain that slope so we don't ultimately end up getting a lot of sedimentation in the drain.

The second -- the second picture there is something that we saw a lot of. I mean, there's a lot of these bridge crossings, I mean, half a dozen. There's a lot of these sheds located within easement areas throughout kind of this area. And the reason that's -- that's an
issue primarily is for maintenance purposes. It becomes an issue for-- Typically when we do maintenance, we have an excavator that cleans out from one side -- one side of the drain, and obviously those -- those provide issues for the ease of maintenance.

We show unstable system there. Brian talked about this drain being established back in 1907. The last time maintenance was done or extension was 1931, so a lot has happened in this area since 1931. We've had just a bunch of residential development, a lot of things have changed. There's a lot more storm water inputs into the drain and there hasn't been a lot done to I guess accommodate that for the system, so we bring that to the attention.

MR. BERNARD DeGRAVES: Bernie DeGraves, 3811 South Sheridan Drive. Bring some history though this drain, my family has accessed 125 year families in this -- in Fruitport Township, Section 10. The yellow portion which you have dotted going through that portion of the drain, my understanding from my grandparents, that was put in with the county -- by Muskegon County Road Commission with dynamite. That was strict dynamite, that's how that went in.

MR. RYAN McENHILL: All right. This next slide here, we're -- we're kind of moving from the -- from
the downstream end to the upstream end. These two, the first photo there's from the north side of Rambling Brook Drive. It's a little bit tough to see, but there's actually about 18-to-24 inches of sedimentation in that area just from filling in over time. I think, like we mentioned, that there just hasn't been a lot of maintenance done in the last -- I think '31 was the last, but there's been a lack of maintenance, and you can see how much that area is filled in. Basically what that does is it reduces the capacity, becomes an issue from that standpoint.

And then the second picture, this is actually a pretty common -- common picture from this looking north from Cline Road. It's actually a common picture all the way from the drain extends down -- down the north side of Cline Road to Cloerville. There's just a lot of heavy vegetation in the drain, mainly due to lack of maintenance. What it does is it just it makes it a lot more difficult for water to flow and get from point A to point B.

Now we're going -- I'm going to talk about the basement flooding issues. I know from -- from my visits with most of you back in August--

UNIDENTIFIED SPEAKER: Can you talk a little louder?

MR. RYAN McENHILL: Yes. The one issue that continued to come up, obviously, was the basement flooding.
It's the one thing that we found the most of. It was generally, for the most part, concentrated in the central portion of that district that I have circled there in the red. I mean, that includes Brookmere subdivision, Clover Glen, Clover Meadows, which is the Brookmere Road, Kersting Street, Lily Court, those areas had the most concentrated areas where they experienced basement flooding. Now that doesn't mean that there aren't a bunch of other areas that don't have this issue, but that was the most concentrated.

UNIDENTIFIED SPEAKER: How many numbers do you think is in that area, number, figures of basements?

MR. RYAN McENHILL: Well--

UNIDENTIFIED SPEAKER: Just where you have the red dots?

MR. RYAN McENHILL: I would say that just in that concentrated area, we probably talked to 10-to-15 -- 10-to-15 homeowners that contacted us that said that they had basement flooding, too.

MR. JEFF FERGUSON: I'm Jeff Ferguson. I live at 3952 Heights Ravenna Road, right on the corner of Brooks and Heights Ravenna. And I called three times and my -- my area is not dotted, but I guarantee you just in that area, there's probably 20 people in that area that had basement problems.

MR. RYAN McENHILL: Well, one of the things
that I wanted to mention was that for every person that I
talked to that had a basement flooding issue, they always
said that everybody on their street has a basement flooding
issue, everybody on that street has a basement flooding
issue, so we -- we urged -- we urged those people to tell
those people to contact us. But for the purposes of this
exhibit, I'm not going to put somebody's name -- I'm not
going to hatch it on an exhibit without having them talking
to me and telling me that issue, so I'm--

MR. ROY HOLDEN: I'll go -- I'll go right
here. 3149 Pinewood Lane, Roy Holden, Brookmere
Subdivision, Windy Pines. I did not have any water
everybody in that subdivision did.

MR. RYAN McENHILL: Which is exactly why I
didn't--

MR. ROBERT HEDGES: I live on the next street
over, and I don't have any water problems, either.

MR. RYAN McENHILL: Which is -- which is why
we didn't mark it on this exhibit.

MR. ROBERT HEDGES: Okay.

MR. RYAN McENHILL: We only marked the people
that contacted us and let us know that they had basement
flooding issues.

MR. ROBERT HEDGES: But for the benefit of the
Board, when people -- it's being reported people are saying everybody on the street has a problem, that's absolutely false because you got Roy on one street, I'm on the next street. There's only two streets here until it converges into Brookmere. And, you know, so that's -- two of the three streets, we got people that don't have problems. So that information that is -- that everybody has a problem is faulty information which should not be relied upon.

MR. JOHN McCULLUM: What concerns me-- John McCollum, 2120 East Swanson Court. You want to-- You are talking about a relatively new subdivision. When these were built, hydro geological reports should have been looked at, water levels should have been looked at. So if these people are having issues, this is a flaw of the developer, a flaw of the builder, and you want to make the public responsible financially for somebody else's error. They need to sue the developer.

(Whereupon, applause.)

MR. ROY HOLDER: You can not sue the developer. You cannot sue the developer, because me who built in that subdivision, I built a foot and a half higher than everybody else. Because you know why? I was smarter than everybody else. You know what? Everybody else in that subdivision should have been higher.

MR. JOHN McCOLLUM: They should have.
MR. ROY HOLDER: You can not sue the developer.

MR. JOHN McCOLLUM: They shouldn't be made--

MR. ROY HOLDER: Whether it's Joe Blow, you, me--

MR. JOHN McCOLLUM: That's why--

MR. RYAN McENHILL: There's a lot of information that I'm going to get through.

MR. JOHN McCOLLUM: That's why they have Dry Lot, a company that will come out and waterproof your basement.

MR. RYAN McENHILL: There is a lot of information that I'm going to get through that's going to talk a lot about these issues. And if we can get through all the information, it will make a lot of things clear. And a lot of things that you're asking questions about we may cover, so let's just keep it moving. A lot of times when we get people asking questions during the presentation, it ends up really taking a long time to get through these meetings and I'm--

MR. ROBERT HEDGES: Ryan, the first man asked, do you have a number? Yes or no? Do you have a number? And if you could, can you tell us the number of houses that reported flooding out of this thousand in these--

MR. RYAN McENHILL: I do have the number from
my report. I can't pick out the number of parcels just looking at this. What I told him was probably 10 to 15 that contacted me in that central area that had flooding issues, basement flooding issues.

MR. ROBERT HEDGES: And that's the worst area is 10 or 15 houses?

MR. RYAN McENHILL: Correct.

MR. JOHN McCOLLUM: How many people don't have problems?

UNIDENTIFIED SPEAKER: Can somebody-- I might not get a chance to speak, but you might want to look at that (indicating).

MR. RYAN McENHILL: Want to switch to the next one? Okay. I'm just going to go through some of the specific conditions, kind of the background that leads to some of this basement flooding.

The high water table, obviously. I know I've -- I've talked to folks, you can put a shovel in the ground in some areas and hit the groundwater table, and -- and seasonally it becomes an even greater issue. The groundwater flow conditions, which are obviously variable, increase-- And groundwater flow is a very tricky thing to try to figure out and it's not something that we got into at this point in our study, but there's a lot of things that can dictate and change groundwater flow patterns.
One of the things that I -- in that picture that's there in the bottom right-hand corner is the area that's just south of that -- that little supermarket area there, basically all -- of that large parking area, the building itself, all that flows down into this sandy area and kind of recharges those groundwater areas.

The lack of storm sewer infrastructure, a lot of these roads, especially in the newer subdivisions that are having a lot of the basement flooding issues, they're basically built with no grade. They're built at zero percent. They don't have any grade on them. They have no storm sewer infrastructure, no pipes in the ground, so basically the only place for the water to go is down.

MR. JOHN McCOLLUM: Okay. Again, John McCollum. Somebody signed off on this at the county and the government level. Who signed and said it was okay?

UNIDENTIFIED SPEAKER: Exactly.

MR. JOHN McCOLLUM: Somebody said: Build here. We approve it. It's great. You're going to be just fine. And now you want somebody else to pick up the county or state's mistake.

UNIDENTIFIED SPEAKER: Or township.

MR. RYAN McENHILL: Okay.

MR. ROY HOLDEN: Don't -- don't quit. Answer that question for me, because I want to keep going, too.
MR. RYAN McENHILL: Sir--

MR. JOHN McCOLLUM: Who signed off on it?

MR. BRIAN CENCI: Listen, we're going to get through everything. You're saying we're -- we're not here -- we are here because of a petition by property owners under the right of the drain code. All it takes is five free holders within the drainage district. We are here because of that petition. We are not here as engineers, the Drain Commissioner is not here because of another particular reason.

So people have the legal right to have a petition on a drain for all the items that we talked about -- extending, adding branches, things like that, stuff that can be resolved if this Board determines it necessary. That's why we are here. We are not here because we are proposing something. We are trying to report to the Board the conditions that we see within the district.

Everyone here lives within the district. There's a whole section for public testimony and comment. You'll have the entire ability to stand up and state your issues. But we are not here to -- to push something down your throat or say this is what's needed or anything like that. We are here because of a petition by property owners, period. There isn't a petition, we aren't here.
Okay?

MR. RYAN McENHILL: Okay. So without -- without that storm sewer infrastructure in place, generally I'm talking about underground piping, catch basins, things that can catch water and take it in this case to the Kuis Drain, there is not those mechanisms in place currently so we're relying entirely on infiltration into the ground. There's no overflow. There's no backup system in place. They're relying entirely on groundwater infiltration to take care of all of this -- all this rain water that lands in your particular property and throughout the district. The other issue is obviously a lot of you have sump pumps. You have basements. When your sump pump comes on, there is no positive place for you to put that storm water. A lot of you when you get your sump pumps turned on, it's pumping right back out onto the ground. And all that does is continually recharge, your sump pump ends up pumping the same water over and over and over again. Okay. There's no -- there's no place -- a positive outlet for that water when your sump pump kicks out.

And finally, the basement elevation issues. I'm going to talk about that in more detail here on the next slide.

CHAIRMAN DAVID KIEFT: Ryan, could you hold up? When everybody is done talking, you can continue.
Until then, you might as well just stand there. I mean, I hear let's move on, let's move on, and people continue talking just isn't working very well.

Okay. Go ahead.

MR. RYAN McENHILL: Okay. So some of these newer subdivisions had elevation restrictions. They had restrictive covenants put in place that would dictate what the basement elevations needed to be. I'm just going to go through three -- three of these specifically, and these were the three that I found in the Drain Commissioner's files.

Clover Meadows, which is the Lily Court area primarily that had the biggest issues, they did not have any specific basement elevation restrictions. Okay. Generally their basements range from 2.67 feet to almost 5-1/2 feet below the centerline of the roadway. And these, we actually sent our survey crews out. We shot the centerlines of the road. We shot their first floor elevations. And where possible, we shot their basement elevations. We wanted to check to see how these homes fit relative to these restrictive covenants, so a lot of this -- this information is based on these survey shots that we took.

Clover Glen Condominiums, this is Kersting Street. Okay. Land division A through G. Those are
primarily the larger lots that are located on the south end of Kersting Street, no basement lower than -- than 18 inches below the roadway centerline. Lots 9 through 21, nothing below 30 inches. And then finally as you get further to the north toward Heights-Ravenna Road, that no basements lower than 48 inches from the centerline.

Okay. The further south that you get, the majority of those homes were all below the restriction. They have basements below the elevation that the restrictive covenant was set in place.

Brookmere Subdivision, this is -- and in Brookmere, primarily if you're on the north side of the road, if you're adjacent to the drain, you don't have an issue based on the home owner interviews that we had. If you're on the south side of the road, if you're on Meadow Lane, these people all have significant issues with basement elevations. Okay? Of those-- And you can see it's actually pretty concentrated with that red. There's only two properties below that restriction. So there are properties that are within those restrictive covenants that still have basement flooding issues.

MR. BRIAN CENCI: We're on Page 18 now.

MR. RYAN MCENHILL: These are pictures that I received from home owners when I was out visiting with a lot of you and these are really helpful because we're only
out there, you know, a handful of times and you guys live there and see what's going on, so these pictures are actually from home owners and help us understand what the issues are.

You can see that, you know, people have had water in their basements up to 2 blocks up on their -- in their basement, which is roughly 16 inches. The people that were not able to -- the sump pumps aren't able to keep up with the water that's coming in ultimately had to pump their water out into the road and continually pump.

And then lastly there, there's a picture -- and that middle picture is from Meadow Lane. The last picture there is between -- between the homes on Creekview and Pinewood Lane, just some -- some surface flooding there and then you kind of see the -- the sandbag there that he's put in there to try to keep that from coming in his home.

And then these are just a few more pictures, actually the same general area but just the side yard-rear yard flooding. Again, there's no -- there's no storm sewer or infrastructure in place to kind of take these -- take this water away. You know, when that -- when that groundwater comes up, really you're at, with the way that these were designed, relying entirely on groundwater infiltration. Until -- until that ground gets less saturated, allows this standing water to infiltrate, it's
just going to sit there.

And then that last picture there—And we actually found a few homes up towards Heights-Ravenna, too, some on Brooks Road that, with the way that the water table has acted, mainly during seasonal periods, is that kind of overtakes their septic drain field. They can't even flush their toilets in some cases.

So those are—those are kind of the—just an overview of the existing conditions that we found. Like we said, we did spend a lot of time out there. We took a lot of pictures. We were out there on--on five different occasions walking the drain, looking at different things. Obviously meeting with the home owners definitely helped as we prepared our report.

This is a—this last slide is on Page 20. This is just an area, and it's completely conceptual, of some of the branch drains, possible branch drains that could be done to get—to get storm sewer infrastructure up into these location. The Kuis Drain itself, the open drain is low enough such that a lot of these pipes can be extended up Kersting, through Brookmere, up to Lily Court and Clover—Clover Glen or Clover Meadows, low enough that pipes can be extended and be below the elevations of the basements that are out there. So there is—there's proposals out there, things that can be done to alleviate a
lot of these things, and these are just a proposed
conceptual line work of what some of those -- some of those
branches would look like. Nothing set in stone, but just
gives you an idea of how those things would look.

I think that's all we have -- we have prepared
here tonight for the overview.

CHAIRMAN DAVID KIEFT: We have -- we have some
letters we have to read, too.

MR. RYAN McENHILL: They're going to read some
letters and then we're going to go into the public
testimony.

MS. STEPHANIE BARRETT: Here's three letters
and two phone calls that I can read in or you can read my
handwriting.

CHAIRMAN DAVID KIEFT: Sorry to put people
off, but we're going to take a 5-minute recess before we
start the question-and-answer period, because I'm sure it's
going to last a little while, so about five minutes.

(Whereupon, meeting recessed at approxi-
mately 7:44 P.M.; meeting resumed at
approximately 7:54 P.M..)

CHAIRMAN DAVID KIEFT: We're going to get
started back up here. A couple of things. A couple of
things that we received some letters and we're at the point
where we have got a little bit of a stack of these. We're
not going to individually read those letters. Those will be taken into the record. If there is anybody in the audience who has letters that they would like to give to us, those will be taken into the record, also.

If you have any comment cards or cards for questions and you do not feel comfortable coming up here and reading those cards, you can hand those to Brenda and they will be read by the secretary and the Board.

So anybody else that has a comment, you would like to come up to the podium, give us your name and address before you ask your question. Thank you.

I guess we'll start with questions.

UNIDENTIFIED SPEAKER: I thought you were going to do the letters first.

MR. ROBERT HEDGES: It said on the agenda--

CHAIRMAN DAVID KIEFT: We're not going to read them -- we're not going to read all.

UNIDENTIFIED SPEAKER: We want to hear what they're saying, though.

MR. LOU NORDLUND: There's five -- there's five there. I can read them.

CHAIRMAN DAVID KIEFT: If you want to come up and read them, that is fine. I can give you the mike and you can do it right here and I can bring the mike back up and ask questions.
MR. LOU NORDLUND: Letter from Ken Stewart.

Says: I, Ken Stewart, am the property owner at 2090 West Swanson Court. About 25 years ago, we selected this property to build our home, primarily because of the scenic creek, not a drain, north of the house. Our lot and others are relatively deep and extend to both sides of the creek ravine. The ravine which was formed by the creek over several thousand years ago, is about 200 feet wide at the top at about 100 feet wide at the base. The water level of the creek varies about 12 inches and is about 30 feet below grade level. The banks of the ravine are relatively steep and heavily wooded. The base of the ravine is a wetland/flood plain where the creek meanders on its way west.

The above description is fairly accurate for the creek from the US-31 right of way east to the former railroad right of way. The property owners along this portion do not have a ground water problem and should not be assessed for any upstream issues. I strongly disagree with recommendation of obtaining easements in the area for the following reasons:

Number 1. The property owners along this portion do not have a ground water problem.

The ravine and its creek are in their natural state and should not be ditched and disturbed because it is
a wetland.

Access to the creek bottom is limited because homes above the banks and the steepness of the heavily wooded banks.

If access is obtained, the wide bottom land is very wet and marshy muck and-- I guess-- is very wet and marshy muck silt which may be impossible to get equipment in and material out.

The recommendation mentions cleaning, removing obstructions, stabilizing banks. This would be very difficult, besides when a tree or limb obstructs the creek, the water flows under or around it, then the obstruction rots away. The banks are stable except at culverts and the man made drain along US-31.

If an expensive ditch could be dug, it would soon fill in with silt and muck.

Finally, I do not believe anything done to this creek will have any effect on the high water level in the areas upstream. Back to the basic problem, which is caused this meeting in the first place. Last year, we had 10 inches more rainfall than the average of 30. Some homes in the high water table areas had water in their basement. Is it the Drain Commissions responsibility to bail them out? This area has a high water table. The older houses built in the area have no basements or are raised above the
natural grade.

    I believe the responsible parties in this mess are the County Zoning Board and Fruitport Township for allowing them to be built with basements. Perhaps this land would be better for blueberries.

    Next one from Gary and Lori, I'm sorry, Nonnemacher. We have lived in the address above for five years and have had no drainage problem whatsoever. Our home is newer construction as are many other homes in the proposed expanded area, and we have a full basement. Most of our house does not have gutters and our basement does not have any sort of a sump pump system. We were initially a bit concerned by this as our previous homes in other states had both.

    As it turns out, the soil in our immediate area is so sandy that it drains better than any lot we have ever had before. After a long hard rain, we sometimes get a small area of standing water about 1-2 inches deep at the end of our driveway, but that is quickly absorbed by the surrounding yard when the rain stops. Also, despite the lack of a sump pump, we have not had any water issues in our basement, even during large snow melts. Our road does not flood and we have no areas of standing water.

    We do not see any necessity to expand the drainage district at this time. Also, if the current
drainage district is flooding, we don't see how expanding
the drainage district is going to solve that problem.
Seems more logical that more water being directed to the
drain might make flooding worse.

From Tim and Audrey DeVos. Concerning the
Kuis Drain letter of January 16 of 2014. Our house has
never had a water problem, so we will not derive any
benefit. And, for persons living on Social Security, any
large levied special assessment would cause difficulty.

And from Steve Herlein, in reference to the
letter, the drain under Sheridan Road north of Shettler
Road was repaired in the Summer of 2013 and I believe that
should take care of any flooding in my area which is north
of the drain. To my knowledge, there has never been a
flooding problem north of Shettler Road.

And then there are several comments here from
Eugene Meyers, and the majority of it just says that his
house has been built in area where the water drains well
and he is above the water level and some of the other
houses were built in places where that shouldn't have
happened. And he is -- should try to get the water table
on -- should try to put the water table levels on a
property description so that the home owners can know what
they are buying when they buy into.

Okay. Other-- Are these questions or notes?
MR. THOMAS RAAP: They came in on the cards.

MS. BRENDA MOORE: They're questions.

MR. LOU NORDLUND: So the questions we'll get later.

Okay. And then telephone calls that came into the--

CHAIRMAN DAVID KIEFT: Drain Commission office.

MR. LOU NORDLUND: Okay. Okay. From Howard Kleveland, who initiated the petition, he's been wintering in South Texas and can not make the meeting. He feels the report is very good. Most of his concerns are addressed in the highlighted area.

Asked him to put it in writing to be read into the record of meeting, he said he would try.

And another one from Odell Ellis, stated he has no drainage problems. He could not attend the meeting because he's out of state.

And the rest of these then are questions.

MS. BRENDA MOORE: Excellent.

MR. LOU NORDLUND: Who reads the question?

MS. BRENDA MOORE: We'll let Brian decide.

MR. BRIAN CENCI: Want me to read the questions?

CHAIRMAN DAVID KIEFT: Go ahead and read the
questions and answer those questions before--

MR. BRIAN CENCI: Okay. These are the submitted questions. Why was permits to build on the ditch given when it was low land to begin with?

Okay. This is probably a general question that we'll kind of talk about in regards to any of the building issues. So you understand how the process works, the Drain Commissioner -- the building permits for individual homes do not come through Drain Commissioner's office. Okay. At least to my knowledge, they don't. In any county I work in, they don't.

When there are plats and things like that, typically the drain commissioner's office has review over those particular items. But as far as where a house gets built or elevations like that, most of the time -- 99 percent of the time, the drain commissioner is brought in when there is a problem, not at the forefront of the issue.

There are many, many things that when you go through on building issues that can be done better and people brought in at the forefront to look at specific issues on a site that could be improved. This is common in every county in the State of Michigan. Okay. The problem with drain issues and drain commissioner issues that on flooding or basement flooding in this case is that they are always brought in at the end when there is a problem. All
right.

Should there be a better way to fix that? A hundred percent agree. But the law which is in place doesn't necessarily mean that a developer coming in has to have a drain commissioner's approval on things like that. So they -- the developers, there are many good ones, there are many that aren't very good. But most of them are in a business to make a profit and they want to get a house built that's easily as possible.

We work for developers. An even when we put in a site for a Discount Tire or whatever, we want to make sure that it's the least expensive for that developer, so we get the permits and the approvals that we need and we move on. And the process that's set up for building and things like that many cases does not include the drain commissioner.

This is not a-- This is not a Perry Mason, you know, Matlock fact finding let's point the finger and go. The drain commissioner has no recourse on anything like that. We are presented with-- They are presented with a petition and a problem. Okay. That is this Board's decision to determine is there a problem and do we now turn it over to the Drain Commissioner to fix that problem or do they determine there is not a problem and, therefore, the petition dies.
This is not a Board to sit here and say, okay, who is ultimately responsible for why we got here. We don't put time-- The drain office doesn't put time into research with that. That isn't part of the purview. They only act upon -- through the public. Okay.

The drain commissioner is an elected position in every county. All right. And so they are presented with a petition, that is what they are acting upon.

To give you a little background, too, every drain in -- every county drain in Michigan has a maintenance limit that the drain commissioner can spend. They're allowed to spend $5,000 per mile per year without receiving a petition. Okay. To spend beyond that, they have to have a petition. Okay.

In many cases, maintenance is needed that may -- may be no improvements necessary, but maintenance is needed to go beyond that $5,000. Many times petitions are given just to give increases so that drain commissioners can do maintenance.

So as you understand also, drain commissioners, the way the law is set up, it's very reactionary in what can be done, because there is a very limited amount of money that can be spent without a petition. It's again the same reason it's set up is there are checks and balances. Just like the drain commissioner
is an elected position, that position is set up so that they are not out there spending $150,000 one year on something that they seen fix -- the thing needs to be fixed. It may need to be fixed, but the law limits them to $5,000 per mile per year. It doesn't mean that January 1st hits and, you know, the credit gets punched into the drain commissioner's account for that drain. It only means that they can spend up to that amount if they feel necessary.

Okay? But, again, every drain office in Michigan, every county is very much reactionary based. I'm a farmer. I have a problem. I need the ditch cleaned out in front of my property. I call the drain commissioner. If I can -- if they can do it within the maintenance amount, they go and do it under maintenance. If they can't, they may have to get a petition. And they only act upon what is given to them. Okay. Brenda is not out there looking to spend $300,000 or $10 on anything unless there's an issue associated with that.

So on questions like on the building, these are all good questions. Why was a permit to build on a ditch given? I don't know. We're only here to talk about this specific problems with the drain and the issues within the district. We did present-- If you had a chance to go on Brenda's web site, we did present in the report recommendations that, okay, if this proceeds forward, we
feel that these issues can be solved as part of the drain system, but that is not what the Board is here to
determine. Is there a problem and do we turn it over to
the Drain Commissioner to solve it or is there not a
problem and it dies here.

So on any questions like that, like -- they're
great questions. I would ask the same thing. Why was the
permit to build on the ditch given when it was low land to
begin with? You know, sorry.

So the next question, what is the advantage to
the individuals in expanding the drain district to include
private drains? The drain district issue, the big -- the
biggest, easiest way to explain it is the current district
was set up in 1907. If we look on this map, that is the
area in red. The biggest thing that you look at, everyone
towards the south end there, between the red and the green
lines, they don't actually drain to the drain. Their water
doesn't even get into that drain yet. There still -- if an
assessment is done tomorrow for any cost, they will pay on
it because that's the way the district is set up.

The green is what we were proposing is the
actual watershed boundary. And we're not looking to take
in all the private drains as part of the overall drain
system. We're just saying when water hits this area, if
it's inside the green line, it gets to the drain, okay, in
some manner. Okay. It may cross your neighbor's property and then your neighbor's neighbor's property and go into a ditch, but eventually it makes it into the drain. So it's not an issue of expanding the district. We're just saying this is what the district physically is based on the boundary and the topography.

UNIDENTIFIED SPEAKER: How do you know just--
CHAIRMAN DAVID KIEFT: Brian, we're not going to get into questions until it's time for them to come to the podium.

MR. BRIAN CENCI: All right. I'm just going--
CHAIRMAN DAVID KIEFT: We can't let this get out of hand.

MR. BRIAN CENCI: I'm just going to finish these questions and then--

Did you take into consideration the 433 drains in this district in addressing the problems of the petitioners? 433 is reference to a specific section of the drain code. Essentially what that is, most subdivisions that are part of a drain system have what is called a 433 agreement. That means that a developer comes in and builds the roads, and builds the roads to the county standards, and builds the sewer to whatever entity that is in charge of the sewer, and then builds the drain -- the storm sewer drains to the standards of the drain commissioner. And at
the end of the development, they do what's called a 433 agreement and they turn those over to the jurisdiction of the drain commissioner.

In our review of the files, we did not see those 433 agreements in place. They may have been done but maybe never signed and turned over. What we would do is look at if they -- if there are 433 drains in place within this district and they maybe they aren't in the file, maybe they're down at the township or at the road commission or something. But if they are in place, we can still address the problems through those same drains. But still, the issue remains that we're going to be capped at spending $5,000 per mile per year, which you might get an excavator out there for a couple of days with that amount of cost, so there's very little that can be done under what we call maintenance, which is that $5,000 limit.

Next question, it's from Mary Kotecki, 3820 Brooks Road. How confident are you on the new district lines? How was it determined? Smaller area and different border?

The district lines we went through are based on the county has contour maps to a level of two foot accuracy, so something like that. They fly over the entire county and they produce contour maps, so we use that information. We use actually going out in the field and
physically looking at the boundary lines. The county GIS
Department has actually a very cool program which can
determine drainage district boundary lines based on the
two-foot contours. The one thing that we do have to go and
verify is culverts and things like that along roadways,
because that can obviously transfer water from one area to
another.

So we do -- that's what part of our initial
work is to do is saying that we are confident this is the
drainage district boundary lines that gets into the Kuis
Drain.

Next question is how would digging the drain
make an impact when the water table is high? No matter how
deep the drain, it would be full -- be full in spring just
like local ponds.

There isn't -- there isn't anything-- And the
question was and the statement was brought up earlier up in
a letter, just because the portion was downstream that is
the existing private portion that we're recommending to
extend part of the drain doesn't necessarily mean that by
any means we're saying it should be dug out. As Ryan
mentioned, the actual drain itself now is low enough as it
exists today to accommodate draining below the basement
elevations in those areas to the north that we looked at.
So it isn't necessarily that we're saying how -- that we're
going to dig out the drain.

Again, we aren't going through a proposal of like what is expected or what we would anticipate to do. If there is a problem that they determine necessary, that is the purview of the Drain Commissioner to determine what the scope and what the necessary items would be in the project.

Brenda also does what's called a scope meeting. If this proceeds forward, before we get further along into design, she -- we then go through and do a preliminary design and lay out of what we feel would address the issues. She will then have another meeting, just like this, which we will layout costs and go through this is what we're proposing to do, this is how much it's going to cost. Are we on the right step? Do we need to move forward with finding a design and actually constructing this project? Okay. So there is -- that is, again, something that is determined at a later date.

Subdivision area, are there any retaining ponds? Are there any, Ryan? I mean--

MR. RYAN McENHILL: There's not any retention ponds. There is sedimentation basins that were put in with Brookmere Subdivision as kind of a means to allow sediment to kind of settle out as water drains through there. But actual retention ponds, not that I'm aware of.
MR. BRIAN CENCI: The next question on this, why were homes built so low? I'm not going to be able to answer that because I don't know why they were built at whatever level these homes were built at.

MR. ROY HOLDEN: Can I ask--

CHAIRMAN DAVID KIEFT: Are you different than the rest of the people in the room?

MR. ROY HOLDEN: Yes.

CHAIRMAN DAVID KIEFT: And why?

MR. ROY HOLDEN: That's why I'm coming up to the podium.

CHAIRMAN DAVID KIEFT: Okay. I think -- I think you ought to wait until you're done with the other questions you have.

MR. BRIAN CENCI: I--

CHAIRMAN DAVID KIEFT: It's my meeting. He's going to wait just like everybody else.

(Whereupon, applause.)

MR. BRIAN CENCI: Next question. Most of the homes with wet basements have spring groundwater problems, not creek problems. I guess it's a comment. Home owners on east end of this district will not benefit, so the cost should not incur, I think that's what it is. I don't know.

Question, if there are other problem areas not identified within the current petition is an additional
petition required to address other issues? The petition, if you look at it, it's very broad. It talks about widening, deepening, and extending, straightening, relocating, adding branches, extending, adding tiles, additional lands, so the petition is set up to basically cover any and all storm water issues within the district. If there is a problem, they determine it necessary, it's the Drain Commissioner's to determine -- the Drain Commissioner determines the scope of what can be done. Drain Commissioner Brenda, she looks at all aspects.

Any drain construction project that's done is not going to dry up every little mud puddle. There's always a cost benefit that's done with everything. More than anything, cost is one of the biggest aspects that drives what actually gets done and not and what benefit those property owners will get out of doing something specific.

So is there another petition needed? No. Okay.

CHAIRMAN DAVID KIEFT: Okay. Now, this lady here, she moved from over there to over here to get to the podium, so let her ask her question first.

MS. JILL BROTT: Thank you. Hi. My name is Jill Brott. I live at 3453 Sheringer Road. I also have property at 3906 South Dangl Road. My uncle lives at 3876,
his name it Paul Mallory. He lives on one side of the county ditch. My grandma's, house which is the 3906, lives on the other side of the county ditch.

We've lived on this property when there were only three houses on Dangl Road when it was a two-track. That property that's on Brookmere, all you guys that live there, you're living in grandpa's garden. You people who are living over on Danglwood, you are in the orchard. So that was all my grand-- We did things big. His garden was that big subdivision.

Okay. My question to you is is there any specific area that was pinpointed by all five of the petitioners as being the problem area that they were concerned with? That is my first question.

MR. BRIAN CENCI: I don't want to speak for the petitioners, but it's -- each -- if you're -- if they're petitioning on the drain, most likely they're concerned with their property.

MS. JILL BROTT: Okay. But that -- we can't say, oh, it was over in this subdivision or on this side or the west side of the county ditch or the east side of the county ditch, anything like that?

MR. BRIAN CENCI: Well, the petition is up -- we have a copy of the petition, too, and it has the names of the property owners and the addresses and everything.
MS. JILL BROTT: Okay. I do have another question and it was -- I got a little unclear when you were talking about, it sounded like if people -- if there was a developer that developed property and then the people bought the homes and now there is a problem, it sounded like the responsibility then laid with the people who bought the homes. And you said something about orphan drain system, unless we wanted to take that into account and make it part of this. Am I not understanding you correctly or is that what you said, that we could take this orphan system and make it part of the county drain?

MR. BRIAN CENCI: The term orphan refers to the fact that the Drain Commissioner only has jurisdiction over the county drain, so what portions of the Kuis Drain. If there is another drain system in place in the subdivision and it doesn't have any ownership, okay, so like, for example, the road commission-- You know, typically the road commission is basically the ditches and the pipes necessary to drain the roads, not stuff like when there's a catch basin in someone's backyard. Typically that is considered private. We call it orphan drain, meaning it has no ownership.

MS. JILL BROTT: Okay.

MR. BRIAN CENCI: Okay. So for lack of a better -- better term in most cases, that is the
responsibility of the property owner. We have had— I worked on many projects throughout Michigan that are results of just turning over an orphan drain and giving it to the drain commissioner. Many times it needs to be upgraded to meet like a current standard or it has a problem to begin with and the drain -- they give it over to drain commissioner to take jurisdiction over it.

MS. JILL BROTTO: But was that as to a cost to the other people in the neighboring -- you know, a tax or something was that a cost to the residents?

MR. BRIAN CENCI: No.

MS. JILL BROTTO: Okay. Then my third question is, you talked about the different things that you can do to alleviate some of the problems that you found. Are -- are you able to not do all of them and just do part of them then? That's what I'm understanding. Like if you just needed to clean out some of the vegetation or something, you could just do that and not do a whole five-step process of the whole thing, you could do part of the creek and not -- for the county ditch?

MR. BRIAN CENCI: Yeah. Can everyone hear me if I talk loud, by the exit signs behind her?

UNIDENTIFIED SPEAKER: Yes.

MR. BRIAN CENCI: If this -- if this board determines that there is a problem as outlined in the -- in
the petition, okay, it is then the process then it goes to the drain office. Okay. They-- Brenda then, they hire an engineering firm to determine what issues are there and what can be resolved. So we essentially do a preliminary design of what we feel is necessary to resolve the issues within the district.

Will that cover everything? No. You can spend a hundred million dollars and solve everyone's problem in some drainage districts, but obviously no one is going to spend a hundred million dollars to solve the problem. So everything is a cost benefit analysis, too. Is it -- is it going to affect five people or one person? Is it going to help 10 people or 1 person?

MS. JILL BROTTO: Okay. Can we back up a little? And you said that you bring in an engineering company to design. Do they bid that job to see who can do it at the most cost effective?

MR. BRIAN CENCI: Yes. And typically what is done is-- I'll lay out the process if it proceeds past tonight, just so everyone is clear.

Okay. You do a preliminary design of the drain system. You then have a scope meeting, which then whoever the engineer, if we're the engineer, we come up with this is the preliminary design we feel will resolve these issues outlined in the petition. These are the costs
associated with those -- with that. Okay. It includes all
the things, like when you go, you have to have financing
cost, and you have to have contingency costs that are
required under law, and if there is any legal costs or
easements, anything.

MS. JILL BROTT: You answered my question.

MR. BRIAN CENCI: I'm--

MS. JILL BROTT: No, you already did.

MR. BRIAN CENCI: Okay. I just want to lay
out the process because someone is going to ask what
happens after that. Then we have the scope meeting. We
have a scope meeting just like this, so hopefully we have
just as many people here at that meeting to go through it.
If they are -- the Drain Commissioner feels that they're
comfortable with the cost laid out and what is proposed,
many times those scope meetings are like to make sure, hey,
did we miss something? We've got five homes here, we
didn't put a drain to them, we may need to do that.

Okay. When we've covered everything, then we
do -- we prepare final plans, we do a final design, and
then we actually bid the project out for construction.
Okay. Once the project is bid, the lowest responsible
bidder is selected, not necessarily the lowest cost. Okay.
So we look at all aspects. We want a responsible
contractor to do the work at the best possible cost.
Once all the costs are totaled at the end of the project, we bid it out. You have what is called a day review of assessment. And the Drain Commissioner determines what the assessments are for the cost for the apportionments, the percentage that people pay or the township pays, or the county pays for their portion of the overall project. And a day review is held in which it will be at the Drain Commissioner's office. You'll get another first class mailing. You'll have the ability to go from 9:00 to 5:00 that day and meet with Brenda to review your apportionment, review all your neighbors' apportionments, review everyone's apportionment and discuss with her.

If you are comfortable with that, it proceeds forward. There is a 10-day appeal period set up within that. If you're not comfortable, a very similar board like this is called to order by probate court in which you can come and present, say: I'm paying 10 bucks and I think I should pay 5 bucks, and my neighbor is paying 15, he should pay my additional 5 bucks that I want off. Because when all this is done, this -- this is a pie of a hundred percent of the cost. There is -- there -- there is no cost that comes every year from the county to pay for drain stuff. It's all done through assessments.

Now, we did submit for a storm water asset SAW grant that is in place that hopefully, if we get lucky, we
applied for it. It was-- Brenda applied for it. It was approved. There's 450 million dollars available throughout Michigan. It was accepted-- accepted. It was more--

There is more-- There is around 600 million from communities all over the state that could do it that is-- that was applied for. We have-- I forget what our total was. We have an accepted amount. They're going to essentially a lottery system to who actually gets it, so that may be the only case in which money may come in separate through this grant to pay for the apportionment.

Okay. To sidetrack, to go back, we have the day review of assessments. We're not comfortable, we have another board similar to this to appeal that. Then once all the appeals are done and the apportionments are completed, then we move to constructing the project and you're essentially completed. So that's the process that's set up.

MS. JILL BROTT: Okay. That answered my question.

Then all I wanted to do was give you two points of information for the 53 years that I've lived on the property. And you mentioned something, I think Ryan said something about heavy vegetation and flooding or something about sediment. You know what? You don't really have to worry about that, because with the snow we got this
year, when that puppy melts, all of it's going to be coming all from my backyard and going -- moving towards Brookmere all the way to wherever you folks live on Brookmere and all of those, it's going to be moving down that way toward Mona Lake, because -- and it will take all of that stuff right with them.

I am not in the red part and I feel so bad because, you know, I get a lot of flooding and it's -- and my house is built up and I live on Sheringer, but somebody decided to put like a slider in out the backyard, which kind of like -- the backyard dips down. So when I do pump water out, and I have gotten flooded before, and -- and that's kind of my own problem. And I figure that I pretty much have to eat that for being such a fool to buy that house in the first place. So until I get something more permanent taken care of, I don't expect anybody else to pay that for me because that is my error.

And I'm thinking that a lot of the water problems that are going on are not simply because of this -- of the drain field. I mean, I have a sink hole in the front yard that when it gets really bad, you know, some day you're going to disappear just walking out to get to the mailbox because -- and I'm not exaggerating. My husband put a stick in there and it went down like a foot and a half, was it? And one of these days, we're going to go
straight through to China.

So I was not even part of the red part that you put in there that we got water, because when we got water in our basement, a lot of the times -- this last time, we got it to come up underneath the floor and not through any of the walls or anything like that. It came up through the bottom, up through the floor, so that it's groundwater that is moving from somewhere with soap bubbles in it. So I just thought I'd give you that information that it's been taken care of itself for the last hundred years. I'm kind of thinking it probably still will.

(Whereupon, applause.)

UNIDENTIFIED SPEAKER: I have a really quick question.

CHAIRMAN DAVID KIEFT: Wait a minute.

UNIDENTIFIED SPEAKER: Where do we line up to give our comments? There is no order in there. Where are we supposed to stand?

CHAIRMAN DAVID KIEFT: I don't know. So far, I got him second and him third. I don't know who's coming when, but--

UNIDENTIFIED SPEAKER: There's a lot of us that want to comment. I want to know, are we supposed to stand in line, take a number or what?

MS. BRENDAL Moore: Stand in line.
CHAIRMAN DAVID KIEFT: Stand in line. You can form one right down along here, if you like.
This guy here, he was ahead of him. He came--
UNIDENTIFIED SPEAKER: I came over--
CHAIRMAN DAVID KIEFT: Line up somewhere over here.

MR. BRENT GILLETTE: My name is Brent Gillette. I live out in Sullivan, 3791 Barnes Road, Ravenna. I have a couple of questions.

One, it seems like the primary location of problems, which is on Page 15, is basement flooding, which is mostly on the west end of the -- of the drain, of the wetland drained area. I'm looking at -- at that position and also seeing that there are two spots that have location of surface water flooding way on the west side that are on the outside of it, so I'm wondering if there's anything in preparation to take care of that in this. I don't quite understand why that wasn't taken into consideration when these new green lines were -- were put into place.

The second question or comment that I had was on Page 20, it shows that one of the proposals or the thoughts were to putting drains in this new subdivision. And I'm wondering if that is part of -- if that goes through or that's one of the thoughts is that part of the assessment that all persons within this jurisdiction would
be paying for?

MS. BRENDA MOORE: Mr. Chairman, may I?

CHAIRMAN DAVID KIEFT: Yes.

MS. BRENDA MOORE: There is a lot of concern about assessments and I just -- that's not what this is about tonight, but I would like to give some explanation. If we get to the point where I have to do an assessment, I can -- I weigh things out from benefits. And I can tell you on some of the other projects I'm looking at, there is definitely a population that derives more benefit than others and they will receive a higher assessment. It's not even across the board. It goes on benefit derived, typically size of -- excuse me, size of parcel, the land used for the cover. A residential lot would be assessed different than agricultural or vacant. There is a lot of factors that go into that.

So I'm able to say you get more benefit, you pay more. It's not everybody bears an equal way. But that is not what we are here for tonight, but I know everyone is worried about it. I just wanted to clarify that I can exercise the judgement in that case.

UNIDENTIFIED SPEAKER: We get no benefit, do we get assessed at all?

MS. BRENDA MOORE: I don't want to go there.

MR. BRENT GILLETTE: One last thing. On Page
7, they have a couple of boxes there that says POE, and then it says the drain, and then POB. What are those acronyms?

MS. BRENDA MOORE: Point of ending and point of beginning.

MR. BRENT GILLETTE: Okay. Thank you very much.

MR. JOHN McCOLLUM: My question again deals with I am not part of this drainage currently. I'm in the private section that you wish to attach to. Why-- You see in yellow that they want to attach to. Why would I want to be a part of this? How am I going to benefit from it in any way?

MS. BRENDA MOORE: That's a rhetorical question and you are in the district, so that's all I can say and -- and--

MR. JOHN McCOLLUM: The private section in yellow that you don't have jurisdiction over at the moment. How am I going to benefit from you coming in there?

MS. BRENDA MOORE: Before we go forward, I can't pick and choose exactly what we're going to do. I can't answer that question. It may not be brought into the district.

MR. JOHN McCOLLUM: It's on their plan right now.
MR. BRIAN CENCI: But it may not be -- it may not be brought in.

MR. JOHN McCOLLUM: My next question, this is to determine whether or not the drain is functioning properly. Correct? Is the drain backed up? Is the drain too full? Is there any condition that tells you the drain is not functioning properly?

MR. BRIAN CENCI: The vote that the Board has is not to determine whether the drain is functioning properly or not.

MR. JOHN McCOLLUM: Okay. But you just said it was a determination of whether the drain is serving the district. Is the drain functioning properly, yes or no, is my question?

MR. BRIAN CENCI: Is the drain functioning properly to service all the land in the district? No.

MR. JOHN McCOLLUM: Was there a problem prior to this subdivision being built that you are aware of?

MR. BRIAN CENCI: I wouldn't know how to answer that question.

MR. JOHN McCOLLUM: So you are not aware of any problem prior to this subdivision being--

MR. BRIAN CENCI: It's not that I'm not aware of it. We have the information we have through the--

MR. JOHN McCOLLUM: So thus, you're not aware
of any additional problem?

MR. BRIAN CENCI: I'm not aware of it.

MR. JOHN McCOLLUM: Thank you. So the drain is working properly?

MR. BRIAN CENCI: I just said it's not working properly to function all the land in the district.

MS. DEBRA HAACK: My name is Debra--

CHAIRMAN DAVID KIEFT: Ma'am -- ma'am--

MS. DEBRA HAACK: --Haack. I live at 4200 Cline.

CHAIRMAN DAVID KIEFT: I thought the line started there.

MS. DEBRA HAACK: Well, I have a bad back.

CHAIRMAN DAVID KIEFT: I'm trying to keep some kind of order there, everybody's jumping in.

MS. DEBRA HAACK: Debra Haack, 4200 Cline Road, 20 acres. We have a ditch that runs along -- all along our property going down Cline Road. That ditch is constantly filled with other people's garbage, which is hot water heaters, tires, bottles, whatever. It's all thrown in the ditch -- deer carcasses, bags of leaves, and they are never dealt with. All that plugs that up, which backs up our -- our water.

We're running two sump pumps constantly during the spring and the fall. We had more water than the people
over in Brookwood there in our yard, way more water. We're dealing with a lot of problems the last few years for whatever reason, whether it's more snow, more rain or whatever.

But I'm wondering, is -- couldn't we just keep up our ditches? There's trees growing in them. They're a mess. They're filled with -- with cattails and sludge. And the water pours off our property to a certain point and then it -- there's not enough flow in those ditches, so we have that issue.

My other problem with this is is if this did happen, what's it going to do with all of us who have well water? Is this going to affect our wells and now we're going to have to put in deeper wells, because I had heard that there was going to be a problem with our water as it is and not being able to get water with our wells. So if that -- if our water table goes down and we put all this in, how is that going to affect us there? Are we going to pay more money to have to put in deeper wells, if we can even find water? How is that going to affect us?

MR. THOMAS RAAP: Can I ask a quick question a minute? Does everybody have their own wells here or something?

MR. DEBRA HAACK: Not everybody has well water. A lot of us do that have been here 30 years on our
property.

MR. THOMAS RAAP: Okay.

MR. BRIAN CENCI: We work-- I'm sorry. Yeah.
The issue with wells and how it affects the -- the water
table, you're talking about two different things. Most of
your wells, even a short well, is maybe 35, 40 feet. Most
of your wells are well below that. We're talking about
ground water that is in many cases 3, 4, 5 feet below the
water level or below the ground, so it's a different thing.
And it -- it doesn't -- unless you have an older farm and a
what we call a short well, okay, it won't affect the well
water that is -- if you're dealing with two different
things.

MS. DEBRA HAACK: We might end up with worse
water, then, if -- if this happens, and we have to go
deeper. We may end up with a different vein that now we're
in a whole different situation with our water, then.

MR. BRIAN CENCI: I mean, yeah. I don't think
so, but-- We -- we've done a lot of projects in dealing
with groundwater issues. It's not just a simple-- We look
at all the issues in wells and that's the most -- the most
difficult thing is people have older wells that -- that's
the biggest. You're dealing with two different things.
You're dealing with usually you have a clay layer that's
down between 35 and 40 feet, and most of your well water is
below that level.

So does that answer--

UNIDENTIFIED SPEAKER: Not in Fruitport.

We're -- we're all shallow wells so--

MS. DEBRA HAACK: That's a concern of mine is that, you know, cost -- cost. You know, this is -- yeah, I've got a water problem and I've had a water problem for awhile now. But okay, that's going to cost me more money, and especially with 20 acres, but then you're going to turn around and I have to put in another well or deeper well.

MR. BRIAN CENCI: Certainly anything that we could do to fix storm water issues has to take into account all those things, all the utilities, and we're not going to create a situation where we're going to rob Peter to pay Paul or something like that, so--

MS. DEBRA HAACK: Okay. All right. Thank you.

MS. HEATHER SWENOR: Hi. I'm Heather Swenor, 3972 Meadow Lane.

UNIDENTIFIED SPEAKER: Talk into the mike, please.

MS. HEATHER SWENOR: I'm Heather Swenor at 3972 Meadow Lane. I was one of the ones that signed the petition. Our home we bought almost 10 years ago. We are new to the area. We did not build it. We are not stupid
people. And as we started living there, we started experiencing water problems which was not disclosed to us at all. We did not know that our home was built on swampland or anybody's garden.

We have flooded several times. We have five children, three of them have bedrooms in the basement. That is our home. It's our living area. It's not storage. Every time we flood, it rips out our carpet and our drywall. It tears our kids apart. All their things are in the garage.

When our basement floods we lose half of our home, and we don't have anywhere to go, and we have five kids sleeping in two bedrooms. When our basement floods, our neighbors pump water out. We have nowhere to go. The water this last time was so intense that it burned out our pump, flooding our basement even more. We had to rent an industrial pump, have it pump out the window to the street. There is no place for the water to go. There is no drainage. It just comes right back in.

Our neighbors around us are all pumping. We have no place to pump the water. We moved the drains around. We move it here, now we're starting to flood this neighbor, or now we're starting to flood this neighbor.

I am very grateful for the neighbors that I have that work together. I'm very grateful that I have
neighbors around me that aren't, like, I'm fine so I don't care about you. I'm very grateful that our neighbors worked together to try to overcome this problem. And when we realized that our pumps were flooding one house, we moved it. And you know, it's a stressful time when your home is being destroyed. So I really appreciate that.

So I just wanted to let you guys know how important this is for some of us. As far as I know, our road has absolutely no draining. There is no way that the water can get to any drainage ditch. It just sits there like a bowl. Thank you.

CHAIRMAN DAVID KIEFT: Thank you.

(Whereupon, applause.)

MR. DAN DIETZ: Dan Dietz. I live at 2731 Coldstream Court. I think I have a unique perspective on these type of problems. I lift and move buildings for a living. I do it all over Western Michigan. Primarily when people have problems with basement flooding, I'll get a call and we'll find out that the only thing that can be done to come up with a permanent solution is to elevate the house above the water table, fill in part of the basement and then put in a new basement floor.

Now the people that I work for usually take the money right out of their pocket. There's a whole variety of reasons why they end up where they are, but
they're in the water table. And most cases counties don't come forward and change drainage districts and add to the drain to solve these people's problems. I'm not unsympathetic to people's problems, but it happens all over Western Michigan. It's not unique to just this area.

Something else that I noticed listening tonight is there has been no evidence that what we're proposing here is necessarily going to take care of everyone's problems. We've got houses that abut these county drains that don't have any problems and then right across the street from them we've got people who do have problems, so I don't see where deepening the drain or putting in laterals is necessarily going to take care of these people's problems.

Hopefully, this isn't a done deal. Hopefully the Board is going to consider everybody's input and take a serious look at whether this thing needs to be elevated or not. I'm not sure it does. The drain-- I mean, I take it that you thought the drain wasn't working properly, but I haven't seen any evidence in any of the paperwork that it's not working properly, and most people say that it works the same as it has for a hundred years.

The area that these houses were built in were areas that back in the '70s were high water. You go out there in the spring with a vehicle and you literally get
stuck out there. So it's no surprise that when people build houses in there and put basements in there, they're going to get flooded out. I don't see where it's the whole community's problem.

(Whereupon, applause.)

MR. BRENT MOSLEY: Hi. My name is Brent Mosley. I live at 3347 Rambling Brook. I moved into the Fruitport Township about two years ago from Norton Shores. Lived my whole life in Norton Shores, and I wanted to move out to Fruitport because a lot of the newer homes that were being built, thought it to be a very attractive area, kind of a smaller community, out a little bit. And I was unaware of any water problems. I asked.

And I was able to fight off the water. I had water -- my sump pump was turning on every minute for probably three or four days. Water was about to come into my sliding glass doors, the walkout basement, and I was able to sandbag that. Put a portable pump in the drain in the ground, had a little grade, I was able to pump that out. I know I was just recirculating the water, but I was out, you know, day and night fighting it off and I was able to keep it out.

But I-- You know, to me, if there's a solution, you know, to update a drainage system that was built in 1907 then, you know, and it affected-- On
Rambling Brook, I guarantee, there's 24 houses, it affected probably 60 percent of them, especially on the south side of the street. And my neighbors, I don't -- I saw one of my neighbors, but many of them -- one neighbor I know had two feet of water and had to ruin their furnace and their hot water heater and everything else.

You know, my -- my kids, I have a three year old and a five year old, they play downstairs. I don't want them to deal with any mold problems. You know, so I just wanted to share my story. Somebody asked me a few months ago what my situation was and I just wanted to share it with you guys. Thank you.

(Whereupon, applause.)

MR. JOE McDonald: My name is Joe McDonald. I live at 3243 Mark Avenue.

UNIDENTIFIED SPEAKER: Can't hear you.

UNIDENTIFIED SPEAKER: Use the microphone.

MR. JOE McDonald: The wetland, I'm worried about them. Is this going to be a problem if you take all the water that's going out, is that going to cause a problem on the other end?

CHAIRMAN DAVID KIEFT: Go ahead.

MR. BRIAN CENCI: Where specifically are you?

Down on the west side, are you talking about?

MR. JOE McDonald: Yeah.
MR. BRIAN CENCI: That -- that is actually one of the reasons for possibly looking at establishing that portion of the drain is then you can look at those areas that have actually those low land areas, as well, that don't have any houses abutting right to it that don't have any drainage issues, maybe we are adding some water from other areas into the drain to mitigate any downstream impacts further down, so--

MR. JOE McDONALD: Okay. The people that live on the drainage ditch now, is that going to affect their water level height? Are they not going to have that creek running through their yard no more?

MR. BRIAN CENCI: No.

MR. JOE McDONALD: It's not going to affect that, then-- It took five people to get this started, how can we kill it?

MR. BRIAN CENCI: Well, a petition in front of the Board of Determination, if a -- they determine it either way, necessary or not necessary, there is an appeal period. For property owners, it's 10 days; for townships or municipalities, it's 20 days to appeal to a circuit court, and there is a process set up that -- either way.

MR. JOE McDONALD: Can we get a petition to kill this thing?

MR. BRIAN CENCI: There isn't a process set up
for that, no.

MR. JOE MCDONALD: Okay. Thank you.

(Whereupon, applause.)

MR. DAVID MAST: My name is Dave Mast. My brother and father and I co-own the greenhouse at 2875 Heights Ravenna Road. And on Page 20 of your proposed plan here, I guess I call it, you have drawn on there drainage lines around three sides of my property. What assurances can the engineers give me that these drain lines won't adversely affect the aquifer? Because I rely on the aquifer for my livelihood and the livelihood of everybody that works for me at each or our locations, and we rely heavily on drawing the water out of the ground and we use a lot of water. But if I can't get water, that's not going to work for me in my business.

And going with what the other lady said here, there is a lot of shallow wells in Fruitport, and I have a shallow well that I draw the majority of my water from.

MR. BRIAN CENCI: With anything that is proposed, if it proceeds forward, we have to look at all those issues. And obviously nothing is going to be-- If an area is going to affect something like it affects your well just by draining the surface water by draining the groundwater, we might have to look at something else or we may not be able to do that. All of that is part of the
design process and we look at all those options.

MR. DAVID MAST: I'm trying to do some of that math in my head looking at this project, and to get below the -- some of these basement levels on the street next to us, that's going to drain a lot of the water table down and not leave very much water below the head -- or above the head.

MR. BRIAN CENCI: Groundwater is a very tricky thing. The biggest thing that you can actually understand it is actually put pedometer to monitor it over a given period of time. Anytime we do anything associated with groundwater, we typically put those in and we actually monitor the water levels and how they react to -- how they react to rain events and how they fluctuate during the season, so it's hard for me to answer like how it would specifically affect it, but--

MR. DAVID MAST: I would need some assurances, because this is my livelihood.

MR. BRIAN CENCI: I understand. And we've done projects where we've proposed this to start and we're not able to do it because we feel that it's not going to be able to affect it. We've done projects like this similar where it has-- We did a project that received an award from the drain association three years ago that took -- it was much smaller, but it was a 40-home subdivision that all
their basements were flooding. And one guy had six sump pumps in his basement and we brought the water level down six feet below the -- below the basement.

Now we can't do that everywhere, because it's very specific to the certain areas with soil types, what their groundwater conditions and how that fluctuate and flow into the ground, but some areas it works and some it doesn't. We would have to investigate it further if it proceeds.

But we're not going to say as engineers and give people assurances unless we're sure ourselves. We're not going to propose something just because it's going to fix one issue and then make a problem somewhere else.

(Whereupon, applause.)

MR. JAMES AAMODT: Hi. James and Audrey Aamodt. We live at 3640 South Dangl Road. We bought our house in 2008. It was built in 2003, occupied 2004 by the family that we bought it from, Thompsons.

In 2009, March of 2009, we had -- we came home from work and found that our basement was flooded. Well earlier that year, they took 20 acres of woods out of -- to make soccer fields behind our house. That's in between Sheringer and Mark. Our houses -- our house on our side and the houses to the east, that subdivision to the east of that, we talked to people over there, they had severe
flooding there, too, that never had flooding. Now the
people that we bought our house from said that they never
experienced any flooding.

We were wondering if taking out all these
trees had any affect on the flooding that we're now
getting. We noticed that there's a lot of water --
standing water. There's nowhere for the water go when it
rains out in this field. They put grass out there, but
still if it rains hard, there's a lot of standing water out
there. I'm only 28 inches below. I don't have a walkout
basement. I'm 28 inches below the soil line or the-- And
we're wondering, are you going to tie into this existing
private branch that's south of that, if I'm reading this
right? The -- the dotted lines there--

MR. BRIAN CENCI: What page are you on?
UNIDENTIFIED SPEAKER: What page?
MR. JAMES AAMODT: It's on Page 20. I'm
sorry.

MR. BRIAN CENCI: That is just a conceptual
layout with some of the stuff with the existing private
drains. We would-- If it proceeded forward, we would look
at that.

MR. JAMES AAMODT: Okay.
MRS. AUDREY AAMODT: We had Jeff Hepler come
out. He had assessed the damage, said it was extreme water
at -- at that season. It was rain and freezing, that type of thing. But at that -- the time that the 20 acres had been taken out, I don't think there was an extensive drain system at that time put in place or anything. It created a fish bowl back there.

I'm not asking for reimbursement or anything about our tile system, I'm just asking is there something that's going to be in place to prevent that again? With this proposal, would that prevent something like this.

MR. JAMES AAMODT: It cost us $10,000 to put the tile system in the basement of this home March 9th of -- '09 when we came home that we had to immediately fix the problem, and we're wondering if anything is going to be done to that area. That's 20 acres no trees, nothing anymore.

MR. BRIAN CENCI: Yeah, we would need to definitely look at that. And, again, there's a whole analysis that's done in looking at all the issues and what can be resolved and actually to fix it, but that would certainly be an area that is well worth looking at.

MR. JAMES AAMODT: We were under the assumption that they were going to put six-foot culverts tying into that when they built this. Nothing was ever done.

MR. BRIAN CENCI: Yeah. I don't know -- I
don't know what was like supposed to be a part of it or whatnot, but we definitely need to look at that area.

MRS. AUDREY AAMODT: Thank you for your time.

MR. JAMES AAMODT: Thank you.

(Whereupon, applause.)

MS. KATHY BURMEISTER: Kathy Burmeister, 2514 Kimberly. I just have a couple little comments. Sorry. I guess I should put it down.

CHAIRMAN DAVID KIEFT: Ma'am, ma'am?

MS. KATHY BURMEISTER: Yes?

CHAIRMAN DAVID KIEFT: I hate to stop you. If we're going to continue the meeting, we got to -- we can't have all the discussion amongst everybody in the room here.

MS. KATHY BURMEISTER: Okay. I can--

CHAIRMAN DAVID KIEFT: I'm just saying, you might as well stop. I mean, I got all night, so everybody wants to continue to talk, we'll just wait.

MS. KATHY BURMEISTER: Just a couple of things. One thing I wanted to ask the engineer, my church is within this district. And when they redid their septic system, Fruitport Township said they had to put it up because of the water level. Are the people that you're finding with the septic issues, are you advising them to put them above the level? Is Fruitport Township looking at these issues, do you know? I mean, is anybody looking at
that this septic systems should be up and then they wouldn't get so full? I mean, I just wanted to understand that. And your from an engineering point of view, you probably know something about that.

MS. BRENDA MOORE: The health department permits a septic system. And until it fails or they're -- they understand that it fails, they don't have the authority to go back and say you need to change your system.

MS. KATHY BURMEISTER: But if they're having flooding issues--

MS. BRENDA MOORE: The county health department may be called in if something is failing and then they say you need to do something.

MS. KATHY BURMEISTER: Okay. I was wondering, because I was thinking I know this issue because it was within the township that they were told they had to do that, and so I'm wondering maybe some of these people would benefit from that. I realize they're having flooding issues, but maybe as far as the septic is concerned that that might help them.

I would like to make a comment to you on the interesting line in jagging that you did on the new proposed district, because my street and house was not in there before and now it is, and you've kind of taken my
neighbor and kind of right where my house is jagged it in
there, so I thought that was very interesting.

MR. BRIAN CENCI: Can you show us the jag on
the map?

MS. KATHY BURMEISTER: Sure can. Excuse me.
Showing a jag. Shettler, Sheridan, right here my house is
right there (indicating) and this is my neighborhood right
around like that, and put me into-- I wanted to see, it
wasn't in here. I'm done jagging. Excuse me.

And I just wanted to ask a question. I was
trying to understand how the county drains are maintained
and I don't know, so I just wanted to clarify this again.
You said that there's $5,000 per mile, is that what you
said? No, per--

MR. BRIAN CENCI: There is up to $5,000 per
mile that legally can be spent--

MS. KATHY BURMEISTER: Okay.
MR. BRIAN CENCI: --per year per drain.
MS. KATHY BURMEISTER: Okay. So I don't know
your job, but how do you deal with the drains? I mean, do
people have to call and say: Hey, my drain is-- I mean, you
probably got a lot to deal with, but I was wondering, you
know, people have expressed that, oh, these drains are
getting full of garbage and stuff and it's an issue. How
do people deal with that? Do they have to call you or do
you have a monitoring system? I mean, I'm not trying to put--

MS. BRENDA MOORE: That's -- that's okay. It's a little off topic, but I think it's a--

MS. KATHY BURMEISTER: It's talking about drainage.

MS. BRENDA MOORE: Right. Right. Under the drain code in a district, I have the authority to assess $5,000 per mile. To my knowledge, that has not been done.

MS. KATHY BURMEISTER: Okay.

MS. BRENDA MOORE: And understand, I've been here since November, so I'm sizing up how we do things.

MS. KATHY BURMEISTER: Okay. Okay.

MS. BRENDA MOORE: Typically what drain commissioners do, they have staff that walks the drain, they do inspections, it might be prompted by a complaint, it might just be part of the routine.

MS. KATHY BURMEISTER: Okay.

MS. BRENDA MOORE: And I don't want to say much more. We can talk after, but I'd like to hear people.

MS. KATHY BURMEISTER: That's fine. I just wanted to understand, because we're dealing with drainage problems.

MS. BRENDA MOORE: Correct.

MS. KATHY BURMEISTER: I was wondering if
we're having drainage problems, why aren't they being
addressed, you know, as far as the drain issue.

MS. BREENDA MOORE: Good question. You and I
can speak later. I don't want to hold up.

MS. KATHY BURMEISTER: Okay. One more comment
for the engineers. I went online and looked at the report
and read the reports. I found it amusing that one of the
pictures showed somebody watering their lawn. Well, water
problems, but they're watering their lawn. I thought that
was amusing. A little levity here.

MR. JOHN DEBOER: My name is John Deboer. I
live at 3691 Cline. Just curious about getting a sense of
scale on this. Can you get any kind of--

UNIDENTIFIED SPEAKER: We can't hear you.

MR. JOHN DEBOER: Any sort of estimate on what
kind of cost this is going to be? In other words--

UNIDENTIFIED SPEAKER: Nobody knows.

MR. BRIAN CENCI: Beyond -- because there
isn't anything that was done with cost or scope or anything
to this point because it just is to the Board of
Determination. Beyond that, then you get the drain -- then
the Drain Commissioner does a more detailed scope of what
it is, and then they bring it back to you to review it with
you prior.

MR. JOHN DEBOER: Okay.
MR. BRIAN CENCI: There isn't-- Really, it's a waste of money because if they vote it down, we've wasted whatever money to come up with a plan and they vote it down.

MR. JOHN DEBOER: Can you give us any sort of idea on--

UNIDENTIFIED SPEAKER: Speak up. Can't hear you.

MR. JOHN DEBOER: Any sort of idea on, you know, a mile of road to do the sort of thing -- to do the repairs?

MR. BRIAN CENCI: No. No. I mean -- -

UNIDENTIFIED SPEAKER: They don't know.

MR. BRIAN CENCI: I'm not trying to avoid the question. And it's not -- it's not -- cost is not -- under the code is not to be a determination of merit in their vote anyways.

MR. JOHN DEBOER: It's a determination that we don't have.

MR. BRIAN CENCI: I know.

MR. JOHN DEBOER: All right. Thank you.

CHAIRMAN DAVID KIEFT: Sir, can you hang on? When everybody else is done talking, you can talk. Like I said, I have all night, so--

Okay. Go ahead.
MR. MARV ENGLE: My name is Marv Engle, and I have several reasons to be here tonight. One, I'm a fourth generation in Fruitport. During one of my hats, I was an underground contractor, and I also was chair of the planning commission here in Fruitport for 20 years and I--

UNIDENTIFIED SPEAKER: We can't hear you.

MR. MARV ENGLE: Better? Okay. Brenda is doing what the law requires her to do. That's what this meeting is here for. You three gentlemen have the toughest job in the room tonight.

CHAIRMAN DAVID KIEFT: No doubt in my mind.

MR. MARV ENGLE: Because if you make a determination one way or the other, it either ends or proceeds. Now once that determination is made, if it were to proceed, it proceeds. This is the last point where a stop-and-go happens.

Now, I-- Do your best. But if you have questions, I know this is the first time you've seen this, you have the ability to wait and make a decision if you so choose, another room and another expense, but whatever.

Also, I think, if I can go back to one of my other hats--

CHAIRMAN DAVID KIEFT: Sir, can I stop you for a minute? When everybody in the room is done talking, he can talk.
UNIDENTIFIED SPEAKER: That's not a bad idea.

CHAIRMAN DAVID KIEFT: Thank you.

MR. MARV ENGLE: During the time I was in charge of the planning commission, we had -- and I don't know the right words, but a cultural clash and it seemed to be around Dangl Road. People to the west of Dangl were more urban dwellers that are used to, if you will, city drainage, and it goes beyond that. It goes to cars in your yard and to whatever. The ones east of the drain were more of the rural nature that had been here and I'm not -- I don't want to characterize one way or another, but they were more this is what we take care of ourselves.

UNIDENTIFIED SPEAKER: Country folks. I'm sorry. You can say it.

MR. MARV ENGLE: Okay. But what you're seeing is the clash right now. You're seeing one group says I would like the system to take care of my problem. The second group says I want to take care of my own problem. And you three are taxed with making the decision, so thank you all.

(Whereupon, applause.)

MS. PAULA BECK: I'm Paula Beck. I live at 3850 Michael. And I'm in the area here that you're looking to take over, the little yellow part. And I'm having a hard time understanding that part completely, I mean the
whole problem with that. I--

You said that everybody who is in the new
lines that you drew all drain into the drains, but this
drains into a private drain. And apparently there was
problems last year and it got fixed, not by the drain
commission, but by Muskegon County, I think. So somebody
is maintaining that and taking care of that, so I don't
understand why it's part of this and how it will help solve
their problem, because that's the problem we need to solve
are, you know, the water situation and I don't see how this
has anything to do with that. I'm having a hard time
grasping, I guess, what you're saying.

MR. BRIAN CENCI: It's only proposed. It may
not be that it's -- any of it's taken over. And the
properties that are downstream in the existing portion
don't derive any benefit or anything from -- from it if
it's not taken over as part of it. The issue is we try to
treat all these systems as a whole. When you design
something, you don't just take water from one space and
push it down to somewhere else.

In this specific area, you have a very low
area that doesn't have any flooding issues associated with
the properties of the homes around it, so maybe there is --
there's a -- there's a way here which that can be utilized
to actually retain some of the water before pushing it
downstream and not just pushing the water somewhere else or creating a problem somewhere else. Maybe we don't have to dig a ditch as deep because this area can hold back water a little bit longer than some other areas, so it's just something that's proposed that we feel would be nice to manage the whole system as a whole and may actually benefit and actually help cost -- if anything is done, help the overall cost by not necessarily digging a ditch wider or deeper, anything like that.

We have an area that, whenever possible, we love to use natural wetland systems, things like that, as buffering for water management. We do great with water quality and quantity. So if we can't get easements over and things like that and it's an issue and it may not be that anything is done on it and it's not part of it.

MS. PAULA BECK: I still don't quite get it.

Okay. Thanks.

MR. ROSS SPYKE: My name is Ross Spyke. I live at 3051 Pinewood Lane. That's in the Brookmere Subdivision, southern portion of the drainage area. I guess I don't know where to start. I'll share some of my experiences.

I built my house in this area in 2002, set the elevation at the recommendation per the health department, set the elevations. Didn't want to build too high, didn't
want my house sitting on a big hill, so here I am now probably too low. Okay.

The engineers I think did a great job surveying. I talked to Ryan personally. He sat at my table. I kind of explained to him my situation, explained to him that in 2006, I cut my basement floor out, put in a drainage system with a sump pump. I gather water every spring in that sump pump, pump it out to my backyard where it just sits there, recirculates.

On Page 20, there is a nice diagram of some proposed new drainage drains for the Kuis Drain and it said provide a positive outlet for sump pump and roof drainage. To me, that is the key solution for me in my situation is to pump my groundwater to a system where it goes to the Kuis Drain, which is more than adequate to hold this water and bring it to the necessary places -- Black Creek, Mona Lake, eventually Lake Michigan.

I would love to hire Mr. Dietz to raise my house up a couple of feet, if that would solve all my problems, but it's just not -- not in the cards right now.

My neighbors standing behind me, they're kind of landlocked where they live. They pump water out to their streets. Another lady we talked to does the same thing. The water goes out to the road, it sits there, nowhere to go. At that point, everybody is complaining
this -- my basement is fine, you pumping water, it's just recirculating. You know, I get that. The key is is the positive outlet for sump pumps, gutters, groundwater in general.

The engineers said the drain is more than adequate. It's well below -- well below our groundwater problems. If they put in these -- these pipes, my guess is they would be dry three-quarters of the year. Only in the springtime would water come up to these -- these pipes and effectively lower the water table in the area. I don't think-- I don't know, maybe it would have an effect on the aquifer over there, I don't know.

To Mr. Engel's cultural clash, yeah, the guys in the east side fend for themselves. They all -- last spring pumped water off your basement, they know we were the same people. We do the same thing. We busted our butts to save our basements and lost a lot of that stuff. Just my -- just my opinion on that.

I -- I don't know what else to say. If you look at the map, some of these proposed ditches encompass two sides of my lot. To me, that would be a wonderful thing. A lot of the people live to the east of me have no problem, for whatever reason. I don't know. I do know that the drain is probably more than adequate to hold all of our problems if we can pump it to a place where it can
go away and not just sit there and come right back.

I guess that's my two cents. One last
question for this lady, I think I live in your grandpa's
old garden.

MS. JILL BROTTO: You got it.

MS. ROSS SPYKE: I can't get tomatoes to grow
in my garden.

MS. JILL BROTTO: We'll talk later.

(Whereupon, applause.)

MS. VALERIE MARTINCAK: Hi. I'm Valerie and
this is Paul. We moved to Brookmere in August of 2010. We
were not aware of any water problems. Paul is actually
from out of state and I came from Southern Michigan. And
employment brought us to Muskegon County and we love our
home. We love our neighborhood.

And we're just here -- we're looking for a
solution. We are ones who signed the petition. Our
basement did flood. We do have a sump pump. We put in a
backup sump pump. We have a drainage system that has been
installed in our backyard. We sandbagged our basement, but
we still lost our basement and it was very stressful. And
that is probably one of the most stressful things we
experienced, especially as new home owners.

We are not looking for sympathy. We're
looking for a solution. We serve and protect this
community every day. I understand that there is a
difference between everyone in this room, but we all have
struggles and this is our struggle.

(Whereupon, applause.)

MS. JACKIE RICH: Thank you. I am Jackie
Rich. This is my husband Doug Rich. We -- we built our
home 2004, I believe we built it. I'm not going to say
names of developers, builders, anything like that, but
everybody that did work on our home were all local
people -- excavators, local builders, everybody,
landscapers, everybody. And we followed all the rules. We
got all of our permits. We had all of our inspections. I
have stickers I can see that say approved on them for our
home. We have put thousands, thousands, I tell you,
dollars into this home. Many tears, many sleepless nights,
shaking hands.

I sympathize for those that may take on some
of this who think they're not affected by this, but they
are. When our homes and all these people's in these areas
start abandoning their homes-- We have talked to two
people that say if this doesn't go through, they're going
to sell. Where are all these homes going to end up when
they're just sitting there? What will that do to property
values after that?

We are willing to take responsibility. We
don't want sympathy. We have worked very hard on this home. This is our first home together and we have two children that we want to stay in this community from. We are not from the Fruitport area. I grew up in Norton Shores and so did he. Love Norton Shores, but we also love Fruitport.

We were paying and supported any school raises in this community before we even had children because we support this community. We just need you to know where we're coming from. Thanks. And understand, we just are hoping for a solution that will help everybody and, of course, not hurt anybody here, because we don't want that. And I'm very, very thankful for those people that don't have water problems and not have to go through what we went through. And we have had water problems at Christmas time, our pumps have started running -- what four years ago?

MR. DOUG RICH: Yes.

MS. JACKIE RICH: We had all that snow at Christmas time, and then the week of Christmas it rained. All the rain and all the snow and our pumps ran, two pumps ran from December to August nonstop. We have two sump pumps. We have a backup system in the house. We put a full-sized generator outside to back up this. Not the gas generator because we both are at work full time trying to support this home and our family. Please consider that.
Good?

(Whereupon, applause.)

CHAIRMAN DAVID KIEFT: Thank you.

MR. MARTY HULKA: Good evening. Can you hear me?

UNIDENTIFIED SPEAKER: Yes.

MR. MARTY HULKA: Which way -- this way or that way?

UNIDENTIFIED SPEAKER: That way.

MR. MARTY HULKA: Marty Hulka, the past drain commissioner, Muskegon County, 32 years and 10 years in Fruitport. But I went in the tail end of Korea, and I feel like tonight I got a lot of shots at me here.

But really, to -- I talked to the engineer during our recess, and I think the chairman over there, Mr. Kieft. And the problem is, to answer a few of the things, west of Sheridan where the railroad bed was or is, that -- that's the end of the drain. Now past that, there is a new subdivision that came off from Shettler Road, the DeGraves I think bought it. And there's wetlands there. And I want you to know that the drain commission's office had a hundred foot easement down through the wetlands of that subdivision. That's something that I got when I was a drain commissioner whenever I did approvals. I knew that the day could come when you needed an easement. It's there
even on the plat.

Then if you go on up the drain, I had a real close friend for a long time, Red Paulsen. Anybody know Red Paulsen? But anyway, I remember when the last subdivision was built, I implemented 433 in Muskegon County, one of the few drain commissioners in the state that did that, was holding responsibility to the developer for drainage. And I'll never forget that when we looked at, and I think the engineers are here, when you do soil borings, you look for the modeling in the soil. In the soil, there's modelings, the highest water's ever been. And what I always tried to do was go a foot above it for an elevation for a home on the molding.

And on that subdivision east of -- west of Dangl, they got the health department out, Red was there, Westshore Engineering, and I was there. They dug down so they could see that modeling. And I told Red that we had to set elevations and we also had to have some kind of a system put in the ground there.

I did talk to the engineer. There is some kind of a drain system installed by Mr. Paulsen-- I wish he was here tonight. --for basement elevations according to the way they were set. Now the county clerk has copies of the plats, the township has copies of the plats. Westshore Engineering did all the Brookmere's for
Mr. Paulsen, so that's all available at Westshore Engineering on the plats of what Mr. Paulsen did.

So I don't really have anything else to say, but I do believe-- I sat here thinking with all my years, I'm glad I'm not making this decision tonight. Because if they got hit with this meeting tonight like I did or you did, I would probably say, if I was a chairman or something, we could recess this meeting, they could, and talk over with the engineers and the Drain Commissioner, Ms. Moore, to figure out what they could do.

But a 433 drain gives the drain commissioner the right to go in there on that subdivision. That is a drain. And on the outside of the Kuis Drain-- You have the Kuis Drain is the main drain and the other one is a drain in itself in the subdivision accessible to the lots there.

Okay. I don't have anything else to say. I don't want to take up your time.

(Whereupon, applause.)

MR. ROGER VANDERSTELT: Roger Vanderstelt, 2901 Brookmere. I really appreciate you guys. Okay. I talked to Ryan when he came out and looked at the situation in the springtime. I lived over in Cloverbille. Okay. I grew up down the street from Mr. Dan. Okay. I'm 60 years old.
I just wanted to let you know, when I grew up, we used to play in the county ditch. That's what it was called. And I'm sure that there was—Somebody was telling about some of the stuff in there, I probably put some stuff in there, okay, back when I was eight years old. Okay. But it's probably all rotted out. It was boards, anyway. Okay.

But back to the 2901 Brookmere, okay, which is in the bottom—bottom left-hand corner. Okay. In this--in this area right here, there is underground streams that come from the south going into the ditch. Okay. I have never seen that ditch cleaned out before, never, ever. Okay. I believe that it needs to be cleaned out. Okay. Not saying go deeper, not saying anything, okay, but it needs to be cleaned out and needs to have a straight shot all the way out so the water runs—runs good.

Okay. At 2901, okay, about three years ago, my daughter had wet system put around. Okay. She's got two pumps that will put out water about half of what a fire hose will. Okay. They pump out a lot of water. Okay. But unfortunately, they--they got to pump it out in the backyard, which is—then it goes through the backyard, back into the pump, and eventually it makes it out into the front yard. Okay. They live on the south side of the road. And what the problem is is on--on all the ones
that live on the south side of the road, they're higher than what's on the north side of the road right next to the ditch. Well, what happens is all the water goes across the street, okay, which they were pumping out in the backyard. Okay. And then the problem is over here on the north side then their basement starts getting filled up with water. Okay.

So, you know, some of these drain pipes that you have here, okay, and cleaning out the ditch right here where they have a spot to put the water, okay, which you have right on Page 20 here is something that's really needed for the people on the south side. The people on the north side, they -- they'll just pump it right into the ditch. Okay. That ain't no biggie. But everybody on the south side and with the underground streams going through there--

Now the house right next to it, right next to their house never has any water. Don't have any, never had any. Okay. Not saying they never will, but they never had any. Okay. Where their house is and the neighbor's house is where the stream coming from the south and that's where they get a lot of their water. Okay.

But once again, put it in some sort of a -- something out on the road that goes across down to the ditch where the water -- they have a place to pump the
water. Okay. And deep enough where it won't freeze in the wintertime is going to be a real big thing, otherwise, you know, it's just going to -- especially with the snow when it melts this year, it's going to be a mess over there, you know. And all the people that have water on top of the ground over there, it's got to go somewhere. Okay. They can start pumping and they can drop wells down and pump it, but the problem is it's going to go right across the street and get into -- get into all the people on the north side, which that gets real ugly, too.

So please take it into consideration at least clean out the ditch there. Okay. I'm not saying make it any deeper. I'm not saying, you know, make it any wider or anything like that, but at least clean it out to what it was, you know, originally so that if, you know, this goes through, this -- this piping system, at least if you just put it on the south side of the road, something so that they can tie into that and have it shoot over there so it doesn't bother the neighbors on the north side. Thank you.

(Whereupon, applause.)

MR. DAVID COTES: David Cotes at 4137 South Walker, just around the corner from Brookmere. And our well is 28-feet deep. We don't have high water at our house, fortunately, but I have some feelings of sympathy for those who do. And I think many people in the room
tonight, if we kind of got our backs up about thinking about an assessment and more taxes, we're not looking for ways to spend more tax money. But in consideration for the ones who have this problem, there's a couple of recommendations that I might make, something for you few folks to think about.

One is I think we ought to re-evaluate the district and make it smaller, not bigger. I know the -- you people are drain commission people so the first thing you think about is -- is the drains, and I appreciate that, not picking on you. But I think we need to make the district smaller to include the few people who have the problem. I don't think the financial burden would go up for those few because that would scale back the cost of the project, if there is going to be one, so people like me that don't have a problem would not be helping to pay for that, just those that have the problem would. But it would be less expensive because the project would be smaller. We talked about the efficiency of the project, helping the most for the least, maybe that's something to consider.

When the Brookmere subdivision was built, we lived where we do now, right around the corner, and we looked on with disbelief watching those basements being dug out there. I could not believe they were putting basements in that field out there. We had horses at the time, we
would ride over there, you know, take a look, see how the
house building is going, and there'd be two feet of water
laying in the -- the newly dug basement, and I wondered how
could they possibly want to complete that house? Well, the
solution was wait until June until the water went down,
then they finished the house and sold it. So I wish there
was some accountability there, but I don't think that's
going to happen.

There are-- The gentleman before mentioned
that there was some tiling work done there in that field
and there are. I think there are three of them. I watched
them being put in. I -- I think, though, that they are
about a thousand feet apart. And my contention is that I
don't think there's anything wrong with the drain, I think
there's something wrong with getting the water to the
drain, because the people on the south side of the street
are more affected than the ones right alongside the drain
itself.

I -- I know that in farmland to lower the
water table, we put drain tiles in; and if that doesn't do
it, we put more drain tiles in. So perhaps the answer is
not working on the drain, perhaps the answer is putting in
more drain tiles. Let's hold the project up and maybe
think about adding more drain tiles from the south side of
the street over to the drain. It will work. Whatever
depth you put the drain tiles in, that's where the water
table will stay if you have enough drain tiles, and I think
the problem is there are too few. The developer knew that
there was a water problem out there, that's why he put the
three drain tiles in. I think there are three. Don't hold
me to that.

So I think we should consider holding up
everything and look at getting the water to the drain and
not working on the drain. That's my comment for you guys.

(Whereupon, applause.)

MR. ROBERT HEDGES: Good evening. My name is
Robert Hedges. I live at 3125 Creekview Lane. And I want
to thank all of you for putting up with all of us and --
ard, you know, we trust with Godspeed you'll make the right
decision.

This is a difficult position that I want to
take, because I live in this subdivision on Creekview Lane
and some of the people that have spoken who are the
petitioners who are suffering problems I consider friends.
They're my neighbors. My children play with them.

But fundamentally, I think the problem that we
have here is not really a drain problem. I think it was a
construction problem. And I'm not here to assess blame
against any particular person. I don't know if it was bad
developers, bad construction workers, or possibly some bad
inspections by the township. I don't know where the blame goes. But the thing is as I'm listening to some -- some of the knowledgeable people that have spoken before me, it certainly sounds that there is nothing really wrong with this drain. And frankly, there's nothing about all these drain improvements that is going to do diddly to the -- to the water table level. You can clean out that drain and you're not going to knock off more than an inch or two off the water table. That is not going to solve -- solve the problem.

I did go over and I asked Ryan to show me the petition. I think there was 12 petitioners that signed it. I think 8 of them are on the same street, Meadow Lane. Can we put up 15 on the screen there, Ryan? Do you still have your computer on?

MR. BRIAN CENCI: It died.

MR. RYAN McENHILL: I think our computer died, yeah.

MR. HEDGES: Meadow Lane is a tiny little street that comes off of Brookmere, and I think eight of the houses are all on this one street. I think there's two or -- two or three on Brookmere and a couple on Pinewood and one on -- there's just a street there at the T-intersection, and one of the houses there, and that's the -- that's the 12 houses.
You know, we had that red dotted line of the more severe area where Ryan said there were 15 houses. 12 of these houses are in just one little speck of that red -- of that bigger red circle. This is a very small isolated area. And the other thing about those houses is you get two houses away, you got a house that doesn't have a problem.

I think the situation is -- is one -- I think two gentleman ago was speaking, the gentleman with the horses, he went out there, he couldn't believe, and he's not even an engineer or an expert, but he's -- he's just a person with ordinary common sense who sits there and looks and says: I can't believe they're building a basement that low in the water table. And that's the mistake that happened here. And now we're -- we're taking what is too often the situation, is we expect that the government has to bail out a mistake, and that would be a tragedy here. It would be a tragedy, you know, for all -- all of the obvious reasons.

When we look at that-- It's too bad we can't put that up, because when we look at those -- that area where the red is clustered, if you go to the west of that, there are subdivisions that are older that don't have any red marks on them. They don't seem to have any -- any problems. And I suspect that the -- that there was better
attention to -- to quality building and -- and decisions
about the level of how deep the -- the foundation should
be.

So -- so I would encourage this Board not to
allow this to go any further. This is fundamentally not a
problem with any drain. The solution that's being offered
frankly is a practical solution is not cleaning out drains
is there need to be some individual connections from these
very small number-- We're talking like one percent of the
houses in the whole district. The very small number of
houses that are affected probably need a drain that goes
under Brookmere Street and connects to the drain, and
there's no problem with the drain, that drain will handle
that water, that's what everybody is saying. They need to
make those connections, but that's not the kind of problem
that's supposed to be solved by this process. And so I
would encourage the Board not to allow this to go any
further.

(Whereupon, applause.)

MR. JEFF FERGUSON: Jeff Ferguson. I live on
the corner of Heights Ravenna and Brooks. Everybody is
talking about this subdivision flooding. Well, I'm quite a
bit east of that. And we moved into our house in 2009 and
we were at work when we got the phone call from our boys,
hey, I think our downstairs sink is broke. Well, we
flooded. We have three sump pumps constantly running 24-7.

Listening to everybody talk, you know, I don't think it's a drain issue. I think, like the young lady said here, they live on Cline. We walk the roads, my wife and I, and these ditches, water does not move, so there's a backup somewhere where I think these ditches in these roads got cleaned up and I think just let it flow. You know, it's not going to hurt the water table if the water is flowing, it's just going to take it down enough where these basements -- not to get water from below.

Just like everybody says, I live on the corner. I have no ditches in my area, so you have to walk down Brooks almost to Hazekamps before there's a drainage ditch I think in there, but that's so overgrown nothin' flows out down there. If you walk down these roads just in that area, that water don't move. It goes nowhere.

So I don't think it has anything to do with that subdivision, they just have nowhere to go, just like we don't. But I just think -- and I don't think we have to go to where the yellow line is and do any of that. That looks pretty clean. I think it's everything east of that just needs to be walked. You know, I don't know how far you guys walk or where you walked but, you know, you got that dotted line circled for that subdivision, basically. Like I said, you come in my area east, Jay-Bee Road and all
that, there's 30 houses just in a mile square that's flooding.

You know, so I just think it's the ditches, you know, if you clean up these ditches. You don't have to dig nothing deeper. You don't have to go wider. If you just clear that out, and I think those creeks is more than efficient to hold the water that's coming through there. And if the water is flowing, you're not going to have a water table problem and you're just going to drop it down to where it's a manageable level.

So, you know, I don't think we need to get into deep constructional cost. I think if we just look at it a little bit deeper and, you know, go a little more east and clean out these ditches. Just like she said, there -- some of them you can find anything in there, you know. Anybody does any scrapping, that's the place to go, you know.

(Whereupon, applause.)

CHAIRMAN DAVID KIEFT: Brenda, I have a question. Now these ditches that are out on the side of the road, they're not county drain ditches. Right?

MS. BRENDA MOORE: Some of them are county road commission ditches, some of them are private.

CHAIRMAN DAVID KIEFT: But most of the ditches that are on the side of the road are not ditches that are
under the jurisdiction or responsibility of the drain commissioner office. Correct?

MR. BRIAN CENCI: Correct. Yeah. And then there is like on Cline.

CHAIRMAN DAVID KIEFT: And I know there's some but, I mean, the conversation that, you know, you need to clean out the ditches and you need -- most of those ditches that they're talking about are not ditches that are under the jurisdiction of the drain commission. Right? Am I wrong or right?

MR. BRIAN CENCI: Correct. Correct.

CHAIRMAN DAVID KIEFT: Okay.

MR. BRIAN CENCI: One of the--

CHAIRMAN DAVID KIEFT: I'm just saying, when they keep talking about cleaning out the ditches, that's not part of -- not only part of this process, but it's not even under the jurisdiction of the--

MS. BRENDA MOORE: Well, I'm not certain what ditches they're talking about. I mean, if it's a ditch that takes their water away, that is a county drain. That's one thing. If they're talking about road ditches, that may be another. So when they say clean up the ditches, I'm not sure what they're talking about.

UNIDENTIFIED SPEAKER: Well, the ditches that run along the road, then go underneath, like Brooks, and
then continues down Brooks and--

UNIDENTIFIED SPEAKER: Road ditches.

MS. BRENDA MOORE: Road ditches.

Mr. BRIAN CENCI: Most of them are road ditches.

CHAIRMAN DAVID KIEFT: Yeah.

MR. BRIAN CENCI: Okay. And this brings up many of the last people, I just wanted to mention, the petition called for adding branches or extending. That's really what, in my opinion, the heart of what it is. If you look at what's proposed, it's adding branches or extending. It doesn't mean that some of these things with the road ditches can't be done as part of it, too, but -- it may not be an issue with the drain, but you maybe need to have the collection system to get it to the drain. And that's the way the petition is written that way to extend or add branches to the drain. Not necessarily meaning that there's something wrong with the drain, meaning that the petition is to add a branch to get the collection system and the water to the drain.

CHAIRMAN DAVID KIEFT: And I understand that, but I'm just saying, as these people -- if they're talking about, you know, when she said they're throwing tires in there, these ditches on the side of the road, most of these ditches on the side of the road are not a part of this.
MR. BRIAN CENCI: Correct.

MS. DEBRA HAACK: But it's water flow.

MR. BRIAN CENCI: They could be part of it.

CHAIRMAN DAVID KIEFT: I know. But I mean, when they say clean out the ditches, this isn't something that the drain commission office normally does on the side of the road.

MR. BRIAN CENCI: Correct.

CHAIRMAN DAVID KIEFT: Okay. And I was just trying to clarify that, because I see some -- hear some people say road commission, and I'm--

MS. BRENDA MOORE: And some of those might be private. I don't want to pin something on the road commission. I mean, those might be private, private streets or people dug them, you know, so they're just not under the control of the county drain office.

CHAIRMAN DAVID KIEFT: Okay. And that -- that's what my question was. Okay. Thank you.

Okay, sir. Go ahead. I'm just trying to get a little better understanding here myself.

MR. BUTCH MICHELLI: Butch Michelli, I live on Cloverville Road. Is the switch on? Is that on?

MR. BRIAN CENCI: You got to really hold it close.

MR. BUTCH MICHELLI: Can you hear me now?
WHEREUPON, AUDIENCE RESPONDED NEGATIVELY.

MR. BUTCH MICHELLI: Now?

(Whereupon, audience responded affirmatively.)

MR. BUTCH MICHELLI: My name is Butch Michelli. I live on Cloverville Road. We have the problem that some of my other neighbors have. Don Swanson's big irrigation lake that he's digging has actually lowered our water table down too far and we've had to extend our well and put in underground sprinkling just to keep the grass green, which we didn't never have to do. I've lived there 36 years.

So anyway, my question is if you -- if you approve this and these ditches go in and that takes our groundwater down even farther, we're down to the blue clay now. We got real shallow wells. They're not even 25 feet deep. But after that, we got a long ways to go in that blue clay. That's going to cost us a fortune and there's going to be no petition or nobody helping us out. You're going to help one neighborhood and we're going to lose out and it's going to cost us a fortune. I want you to keep that in mind when you pass this.

(Whereupon, applause.)

MS. DEBRA HAACK: And that -- that is Kuis Ditch, the one that we're talking about. That is-- You said that that's not. It is. That whole ditch is part of
the Kuis drainage. That's never cleaned out that has the hot water heaters and the tires.

CHAIRMAN DAVID KIEFT: Just so we're clear, I didn't say that it wasn't. I just said-- I'm just trying to get some general -- general idea of what -- of--

You know, I know some of the road ditches are county drains, but some of them aren't, and I'm just trying to figure out what the general discussion was about getting the drains cleaned out, because I know some of them are not the responsibility of the drain commission and some of them are. But to -- when it was kind of being thrown out there's a broad term that the ditches aren't being cleaned out, I'm thinking, well, that's not my understanding that most of the ditches-- And I say most, not all. --most of the ditches that are on the side of the road, it was my understanding that they're not under the jurisdiction of the drain commission.

MS. DEBRA HAACK: So wouldn't you think this being a part of this Kuis drainage, wouldn't you think that that would have been kept up? 1 time in 30 years have they come in there, the county, and dug that out and cleaned all that garbage out of there and all those cattails. We have trees in -- in there this big around (indicating) that have been cut down, but the root system and everything else is there in the ditch. Why aren't those taken care of?
Wouldn't that make a better flow of water, which is what this is all about?

CHAIRMAN DAVID KIEFT: Well, like they talked to about earlier, you only got $5,000 per mile. And if you want to go and clean out all them drains from one end to the other, you're sitting in the board -- you're sitting in the room doing the same thing we're doing right now.

Am I wrong?

MS. DEBRA HAACK: Well, I'm--

CHAIRMAN DAVID KIEFT: That's what we're here for. Right?

MS. DEBRA HAACK: --one of the people that goes and pulls those hot water tanks out and those tires and puts them up on the road so that they -- the county will pick them up.

CHAIRMAN DAVID KIEFT: Okay. And I understand that. But I didn't come here to argue with you.

MS. DEBRA HAACK: No. I understand.

CHAIRMAN DAVID KIEFT: I'm just trying to get an understanding of what's going on here.

MS. DEBRA HAACK: I'm just making my point, too.

CHAIRMAN DAVID KIEFT: Okay. I got it. Yes, sir?

MR. ROSS SPYKE: Question for -- a couple
questions. Mr. Hulka, I think, said in the Brookmere Subdivision there was a drainage system installed. I can bear witness to that. When I built my house, the road -- in phase three or four of that subdivision, the road wasn't even in yet. I watched the road go in. I watched a 12-inch perforated sock pipe go into the road to act as a road ditch, which, you know, older subdivisions have a ditch and it's out in your front yard and it's cut out in the ground. The newer way to do this, more esthetic, is to put in this sort of pipe under the road to draw water from the roadway and then go to the county ditch.

Now Ryan, the question for you, when you walked the ditch, and you have pictures of it, did you see any outfalls for this supposed system?

MR. RYAN McENHILL: I did not.

MR. ROSS SPYKE: So there's a drainage system in place with maybe three different pipes that there's no outfall into the ditch. Are they not connected? Are they influencing the water at the road in any way? I mean, we can start there.

You know, if there's a -- if there's a place I could pump my water to the road and then that sock pipe, which I seen it work in many situations in my profession, will carry water and just hardly any grade to the ditch-- And I've looked at that ditch several times and I have to
say, oh, yeah, the pipe goes right through here. Well, where does it come out? You know, you would think you would see a washout at some point or even if it was broken somewhere up the line there would be a sink hole possibly that-- If it's there, it's not working.

MR. RYAN McENHILL: There is a drainage easement that's in the plat documents, but I wasn't able to locate an actual pipe outfall in that general location.

MR. ROSS SPYKE: Right. So I watched -- when they -- when I had my house back filled, there was a clean out right at the corner of my house. I live on the corner. And they came in and they just whacked the thing off and buried it. Now it could be clogged up there. I don't know. But I know one thing for sure, there is no outfall for this drainage system, and I think Ryan can witness -- you know, witness that with his pictures and his walking of it.

And anybody else lives along that ditch, if there's a pipe coming out of the ground somewhere, let's go look at it and see if it is connected.

(Whereupon, applause.)

MR. RON UMSTEAD: 3580 South Sheringer Road. I'm part of the Hazekamp property. We have 80 acres back there. There's about, oh, 800 feet of that drain goes right through the middle of our property, so that's going
to cost me a lot of money.

1974, that ditch was cleaned from I think Sheridan to Cloverville Road. We dug the ditch 13 feet down along side my house. Today, it is six feet deep and plus all along Cline Road, which is the county drain and the county road commission, water goes into that county drain.

So my question is how much is the road commission going to pay for wastewater coming off the roads and then that wastewater goes into the county road ditches, which it ends up in the county drain, so the county road commission has got to pay something.

And the reason they did it in 1974, some of you people remember Dr. Cummings. He went to jail. Okay. And it was national TV. FBI was pushing their cars through the mud in front of Hazekamp Meats to get to Dr. Cummings' office or house to arrest him to take him to jail because he had something to do with a Wounded Knee so-called rebellion. And he did go-- It took quite awhile, quite a few years for him to get straightened out.

But anyway, the county road commission ordered that Kuis Drain cleaned at that time in '74, so we all had to pay for it.

Well now you're talking about the private piece by 131 -- or 37 west. Well, that was on the original
original design to have that reworked, too, back then. Well, they didn't do it. They did not do it. I don't know if you guys dug that paperwork. There was nothing said in your work about that drain being done in '74, neither.

MS. BRENDA MOORE: We did find a file on that.

MR. BRIAN CENCI: Yeah, it did mention it in there.

MR. RON UMSTEAD: But anyway, they dug it 13 feet alongside my house. Well if I remember right, since I own both sides of that ditch, I paid the most money because I was the closest one to the ditch. That didn't make sense, but that's what happened at that time. And we do put corn and soy beans in our property, so-- And I've seen that water table go from the top of the ground down six feet. Be in the spring would be the top of the ground and in August the ditch would be dry. That's -- that's how much it fluctuates.

You know, I'm no geological survey, but I do know that that water goes up and down, and it's quite a bit. So check and see how much the road commission would donate to the cause.

(Whereupon, applause.)

MR. DOUG HANNINK: I'm Doug Hannink from 3100 Creekview. You had mentioned earlier about one of the possible sources of financing was a grant that was applied
for, and later you said you had no idea what kind of scope
of class this might be. It sort of struck me that whenever
you have to apply for a grant, you have to have some sort
of a number in the grant, so what was that number?

MR. BRIAN CENCI: Essentially, the cost in it
were to cover-- I don't know the exact amount. I want
to-- Was the total we put in for 80,000?

MR. RYAN McENHILL: I was thinking somewhere
in that, 65 to 80.

MR. DOUG HANNINK: And that was for?

MR. BRIAN CENCI: Essentially, you were
allowed to put what is called asset -- they're assets
management grants which most communities use to like --
they can locate where all their water valves are, their
sanitary structures and map everything out. In this case,
we put in for asset management to essentially cover any of
the costs that would need to be done for surveying within
the drainage district to locate all the storm sewers and
all that stuff. Any costs to -- also, that is up to this
point for this work as far as surveying or inspection of
the system to basically find out what's entirely in the
drainage district storm water wise, so we put in the cost
for that.

You can only put in for specific things, and
so that was the only thing we put in. We didn't put in for
like a project for--

MS. BRENDA MOORE: No bricks and mortar.

MR. BRIAN CENCI: Yeah, not bricks and mortar.

It was for asset management, to cover some of the -- what
would be considered like soft costs on a project.

MR. DOUG HANINK: Okay. I'm just finding it
-- your answer a little disingenuous when you wouldn't give
a range, because people out here have no idea what the
range of the cost of this kind of thing might be and you
wouldn't give anything. So my request is are you
talking -- you know, is it less than a million, is it over
10 million?

MR. BRIAN CENCI: The -- the issue--

CHAIRMAN DAVID KIEFT: When you said you
couldn't give a cost, I think that was pretty much the
answer, wasn't it?

MR. BRIAN CENCI: We honestly don't know.

CHAIRMAN DAVID KIEFT: You don't know.

MR. BRIAN CENCI: To be honest, if we -- if
they determine to go forward--

MR. DOUG HANNINK: Yeah.

MR. BRIAN CENCI: --the next step will be is
we will do -- look at all the issues, hear everyone's
concern, everyone lives in different areas and what could
be done, weigh those, and then come back at another meeting
like this with a proposal.

MR. DOUG HANNINK: In your -- in your professional-- You said this is a bigger project than you've dealt with normally. You said this was a bigger one, I think you--

MR. BRIAN CENCI: Number of people like at a -- at at board meeting.

MR. DOUG HANNINK: At a board meeting.

CHAIRMAN DAVID KIEFT: You know, I hate to stop you there, but you're digging for an answer that you're just not going to get here. I mean--

MR. DOUG HANNINK: I just looking for--

CHAIRMAN DAVID KIEFT: --I don't know how many times you got to ask, but--

MR. DOUG HANNINK: I'm looking for a range.

CHAIRMAN DAVID KIEFT: --you're just not going to get it.

MR. DOUG HANNINK: I'm looking for a range.

So then people can--

CHAIRMAN DAVID KIEFT: Sir--

MR. DOUG HANNINK: --people can legitimately think of this as a 15 million dollar project and you're not saying that's out of the ballpark?

MS. BRENDA MOORE: I'm not--

MR. BRIAN CENCI: I'm not saying whether 15
bucks is or 15-- I mean--

MR. DOUG HANNINK: Yes.

MR. BRIAN CENCI: --there's no--

CHAIRMAN DAVID KIEFT: He's digging for an answer that you have no way to give.

MR. DOUG HANNINK: You're the only one that knows as to how much.

CHAIRMAN DAVID KIEFT: I don't understand why you keep asking the same question when there is no way to give an answer.

MR. DOUG HANNINK: Because I think this is -- I think it's all about money.

CHAIRMAN DAVID KIEFT: Well, I understand it's all about money for everybody or they wouldn't be here.

MR. DOUG HANNINK: And you're agreeing -- agreeing is going to put -- take money out of people's pockets.

CHAIRMAN DAVID KIEFT: I'm not going to disagree with you. But to sit here and press a guy and ask him five or six times the same question but word it a little different each time is not going to get you to where you want to go. We cannot give you an answer to the question. It's as simple as that.

UNIDENTIFIED SPEAKER: Let's move on.

CHAIRMAN DAVID KIEFT: I mean, I don't know
how to-- You want to help me here, because I'm starting to lose my patience with this guy.

MR. DOUG HANNINK: Here is another version of it. I think there's another--

CHAIRMAN DAVID KIEFT: I don't know how many versions you can have. Really?

MR. DOUG HANNINK: It's going to get splint amongst people, and the split amongst the people is something--

CHAIRMAN DAVID KIEFT: You want to stop him or do you want me to stop him?

MS. BRENDA MOORE: I would like to make a comment, if I could.

CHAIRMAN DAVID KIEFT: Please do.

MS. BRENDA MOORE: We can not give a cost.

Okay. We can not because we don't know the scope of this thing. I'm going to be presented with a scenario A, B, C, D, E, F, G. I'm going to pick and choose through this process of what makes the most sense. But I think what's important to know is there's a cutoff.

If -- if we spend a certain amount of money, I go for a note at the bank and I -- I assess it one year. If it's above that threshold, I can bond with the county and we can spread it over time. So no matter what we do, we're going to choose the best option for the most people
that's cost effective. Then we're going to look at how hard we're hitting people financially. Can I spread it out? Am I -- am I allocating to the people who get the most benefit?

There's so many variables that will happen, we don't have an answer. But I can assure you, there's different ways to look at it to pick and choose and to spread the cost around and out over time, and that's all I think we need to say about that.

(Whereupon, applause.)

UNIDENTIFIED SPEAKER: And one of those answers is to vote it down, which is no cost.

MS. BRENDA MOORE: As far as misinformation or you feeling like we're not giving information, I know it's frustrating, but that's all I can offer.

MR. DOUG HANNINK: Okay. Then -- the next -- another version of if it's going to be spread amongst a certain number of people--

MS. BRENDA MOORE: I'm not going to speak to it any more, sir.

CHAIRMAN DAVID KIEFT: We're done with that question. I can't-- I'm not going to-- We're not going to stand here all night.

MR. DOUG HANNINK: The district sides, why doesn't the district sides go all the way down to Mona
Lake? What's your criteria--

CHAIRMAN DAVID KIEFT: Are you about done or what? I mean, there's a lot of people here.

UNIDENTIFIED SPEAKER: It's 10:00 o'clock.

CHAIRMAN DAVID KIEFT: It ain't about just you here. There's a lot of people in the room.

MR. DOUG HANNINK: And I've waited until the end.

CHAIRMAN DAVID KIEFT: I understand that, but you keep asking the same question over and over and over. How many times you got to ask that? Am I losing my patience? Of course I am. It's what, 10:00 o'clock.

UNIDENTIFIED SPEAKER: It's 10:00 o'clock.

MR. DOUG HANNINK: You said you had all night.

CHAIRMAN DAVID KIEFT: I do have all night, but I'm sure everybody in this room doesn't.

UNIDENTIFIED SPEAKER: I don't.

MR. DOUG HANNINK: Well, my concern is that I think there's a feeling that people have that they're not going to get any benefit out of a project and there's -- what you're saying doesn't give me a lot of assurance that there's a fair allocation of the cost. That's my comment.

(Whereupon, applause.)

CHAIRMAN DAVID KIEFT: Thanks.

MR. ROSS SPYKE: I know that building all
these houses in this area has changed the dynamics of this several thousand acres of land over the last however many years this surge in housing has gone. I think it's changed a lot of it, but I urge this Board to not stop here tonight in this -- in this whole thing, just continue. I hope to not see this die right here tonight.

(Whereupon, applause.)

CHAIRMAN DAVID KIEFT: Before we close the floor for public comment or questions, is there anyone else?

MR. THOMAS RAAP: I got a question.

CHAIRMAN DAVID KIEFT: Sure.

MR. THOMAS RAAP: I think the one guy back over here said something about they used dynamite to make the drain?

MR. BERNARD DeGRAVES: That is correct.

MR. THOMAS RAAP: Why dynamite, I guess?

MR. BERNARD DeGRAVES: That was done back in the early -- in the early 1900's. My grandparents-- My family has been here for in excess of 125 years and my grandparents, they had told us through family that from Sheridan Drive down towards Black Creek where it drops into Black Creek at -- at -- at 31, that creek was given a destination because it was so small, it was given a destination. They striped dynamite in that in strips, set
off charges, give it a destination.

MR. THOMAS RAAP: Not because of bedrock, then, because it is all muck or something?

MR. BERNARD DeGRAVES: It's a swamp and they gave it a -- they gave it a destination. They gave it a--

MR. THOMAS RAAP: Okay.

UNIDENTIFIED SPEAKER: They didn't have the equipment to get in there and dig it out like that. They had to use dynamite.

CHAIRMAN DAVID KIEFT: Is there any-- Is there any other questions for the public hearing?

MR. THOMAS RAAP: I got another one.

CHAIRMAN DAVID KIEFT: Why don't I close the public hearing and we can have questions.

MR. THOMAS RAAP: All right. Sorry.

CHAIRMAN DAVID KIEFT: I'd like a motion from one of the other board members to close the public hearing.

MS. JUDY MARCINKOWSKI: I will make that motion to close the public hearing.

MR. THOMAS RAAP: Second.

MS. BRENDA MOORE: Judy can't make that motion.

CHAIRMAN DAVID KIEFT: I need a motion from--

MS. JUDY MARCINKOWSKI: I can't do that?

MR. LOU NORDLAND: I'll make the motion, then.
MR. THOMAS RAAP: Oh, because an alternate. And I'll second it.

CHAIRMAN DAVID KIEFT: Motion has been made by Lou, supported by Tom to close the public hearing. Those in favor, say aye.

MR. LOU NORDLAND: Aye.

MR. THOMAS RAAP: Aye.

CHAIRMAN DAVID KIEFT: Aye. Those opposed?

(Whereupon, no response.)

CHAIRMAN DAVID KIEFT: Now if you have some questions, Tom. The public hearing is closed. Go ahead.

MR. THOMAS RAAP: Yeah, I do. The septic drain system, is it all a -- is it a central system, everybody got separate septic tanks or what?

(Whereupon, audience members affirmed.)

MR. THOMAS RAAP: That's all I have.

CHAIRMAN DAVID KIEFT: Okay. Now, we as a Board need to make a determination. We can talk amongst ourselves right here.

MS. BRENDA MOORE: It has to be debated in a public form if people are here. I need to take a break, if you'll excuse me.

MR. THOMAS RAAP: That's a good idea.

CHAIRMAN DAVID KIEFT: Take a five-minute break.
(Whereupon, meeting recessed at approximately 9:59 P.M.; meeting resumed at approximately 10:07 P.M.)

CHAIRMAN DAVID KIEFT: Okay. Give me your opinions or thoughts or what you have on this or any kind of motion, anything?

MR. THOMAS RAAP: I'm ready for a motion, but it's -- that -- we can't determine how to fix the problem if there's a problem, if I understand that right?

CHAIRMAN DAVID KIEFT: Yeah. We do not decide on how to fix the problem. We decide--

MR. THOMAS RAAP: If there's a problem--

CHAIRMAN DAVID KIEFT: If there's a problem. --whether the process itself should move forward. That's what we're here for to determine, if the process is to move forward from here.

MR. LOU NORDLAND: Can I ask you questions?

MR. BRIAN CENCI: Sure.

MR. LOU NORDLAND: Some things that were -- you know, they talked about a lot, can the problem be solved without affecting -- without doing work on the actual drain system?

UNIDENTIFIED SPEAKER: Could you possibly use the mike while you're asking the questions so we can hear the questions and answers?
MR. BRIAN CENCI: The question was asked can the problem be solved without doing work on the actual drain system or the actual current drain?

MR. LOU NORDLAND: Because this was brought up over and over again, you know, to clean the drains out and things, the existing ones, and to figure out a way to get the water out of the one subdivision.

MR. BRIAN CENCI: While I do think there are some areas of the drain that do need maintenance work on it, the woman over here that lives on it as an example, yes, there are sections that can be fixed without -- in my opinion, without necessarily even touching the drain. Like Ryan stated, the drain in itself is currently low enough in those areas.

MR. LOU NORDLAND: Okay. What about the areas that have the problems, does something need to be done there more or--

MR. BRIAN CENCI: With the drain, you mean?

MR. LOU NORDLAND: Yeah.

MR. BRIAN CENCI: The current drain? I don't know until we would get into it further. I mean, potentially, yes, at those specific areas. Maybe not necessarily like widening it or deepening it, but you may need to make improvements that you discharge an amount of water to a certain area to make sure, you know, stabilize
the bank or access point or something like that.

MR. THOMAS RAAP: So it wouldn't necessarily be widening, deepening it and all that stuff?

MR. BRIAN CENCI: No. That language scares the crap out of people--

MR. THOMAS RAAP: Yeah.

MR. BRIAN CENCI: --whenever that's used, but that is what's in the -- the drain code and so the -- it's archaic. We don't dig ditches. We don't dig ditches straight and wide and clear a path a hundred feet wide and move water down through as quick as possible anymore.

Water is managed on site and moved down in a timely and efficient manner without affecting downstream property owners. And so it doesn't necessarily mean that the whole thing is going to be excavated out or deepened or anything like that. This gets into the scope of it if it proceeds that, so -- after this.

MR. LOU NORDLAND: Okay. But you wouldn't -- you wouldn't know if that would fix it if we don't determine that there's a problem to move on or, you know, is that kind of what's happening here is you have to get a determination to move forward before you can determine what needs to be done?

MR. BRIAN CENCI: Yeah. There is a-- Yes.

CHAIRMAN DAVID KIEFT: They can't determine
the scope of the project without us making the decision for
them to move forward. That is our decision to decide,
whether they move forward, and then it would then be
determined based on core engineering evaluation.

MR. BRIAN CENCI: Right.

CHAIRMAN DAVID KIEFT: Right?

MR. BRIAN CENCI: Right. We did-- If you
look at the report, for example, enough work is done to say
is this a pie-in-the-sky issue that cannot be solved by --
by this petition, and that's why we presented. If you look
at the report and go online, you show that we have proposed
adding branches and drains in some areas because in that,
we felt that it could be resolved with it.

MR. THOMAS RAAP: So what would happen then if
it was determined to -- would a program be put together and
then taken to the people? Is it voted on? How is it--
How is all that worked out then?

MR. BRIAN CENCI: The process that -- that
Brenda has set in place is that, again, if it proceeds past
this, there is a preliminary design where we get some
firmer -- actually get costs and we would have a scoping
meeting, which that is done for two reasons. One is to get
everyone back in the drainage district that may be liable
for an assessment.

I want to clarify, if you get a notice and
you're in the district doesn't mean that you are going to get one, it says you may. That's what the Drain Commissioner determines, who is assessed and how and all that.

MS. BRENDA MOORE: There is a zero assessment.

MR. BRIAN CENCI: Yeah, there is such thing as a zero assessment, even though you're in the district. That's actually a very common thing. So I just wanted to clarify that.

But they have a scoping meeting. And at that meeting, we present costs associated with what we feel the fix is. And then the big part of that meeting, too, is if you're a resident that has a drainage issue, are we doing something to resolve it. Okay. And just as Brenda said, we're going to go through A, B, C, D, E, all these items of things that could be done and we're going to look at what the cost is, who's it going to benefit, is it going to work, all those items. Are we going to affect other things, what are the issues involved, and pick and choose where necessary on what needs to be done and then present that to the public.

MS. BRENDA MOORE: I'd like to use the example, there's another drain we're working on, and the example I have is we're looking at a bridge or a culvert. So there's a culvert that's excised and there's a bigger
one, there's a bigger one, and the biggest one is a bridge. Well, the cost of the culvert is a lot less than the bridge, but the bridge will last four times as long.

So when we have this scoping meeting, as an example, we'll present here is all these options, and this one is more costly but it will last longer. But if I hear, you know what, we're okay with it lasting 10 years, well that means we're coming back maybe in 10 years. But if you say, well, we don't want a 100-year fix, that's the kind of dialogue that will happen if we proceed, and -- and it doesn't matter to me either way. But that's -- that's the methodology I will use in every other drain, because I've got two other ones that have gone through this process. At the scoping part is where we really start picking and choosing.

But to be honest, you can say we're only going to do a few things, you have to look at all that and do that pick and choose. And some things just have to happen, some things just have to happen in any drain project.

Is that helping at all?

MR. ROBERT HEDGES: But shouldn't that have been done before this decision? I mean, you're asking them--

MR. BRENDA MOORE: No.

MR. ROBERT HEDGES: --to make a decision that
is going to cost some people money and this -- those solutions should have gone at least that far, because they're really functioning under very limited information because of what's been presented here and they're going to assess -- some people are going to pay.

MS. BRENDA MOORE: Sir, I'm not interested in launching into another debate. I'm trying to be respectful, but there is a process that's laid out in state law. We can't do a bunch of that under state law. And even if we could, I think it would be an awful waste to spend a lot of engineering money to try to figure something out that we're not even going to proceed with. And I can't say I'm real comfortable with the sketchiness of this, but that's how it is and that's how the drain code is, and I'm stuck with it, too.

MR. ROBERT HEDGES: I'm glad you put that on the record.

CHAIRMAN DAVID KIEFT: Any other questions?

MR. THOMAS RAAP: No, I don't.

CHAIRMAN DAVID KIEFT: Well, what are your thoughts on this? Does anybody want to make a motion or do you want me to make one?

MR. THOMAS RAAP: I'll make the motion. And I think they definitely do have a problem with their drain system. What the answers are, I don't know. I guess
that's what the professional people are here for.

CHAIRMAN DAVID KIEFT: So I guess--

MR. LOU NORDLAND: I would second it.

CHAIRMAN DAVID KIEFT: So we need an official motion and--

MR. THOMAS RAAP: I make a motion that the maintenance improvement to the drain are deemed necessary and conducive to the public health and convenience of the welfare of the people.

MR. LOU NORDLAND: I'll second it.

CHAIRMAN DAVID KIEFT: Motion made by Tom, supported by Lou to deem the maintenance -- deem that the maintenance and improvement in the Kuis Drain is deemed necessary and conducive to public health, convenience and welfare. Motion has been made and seconded.

Questions, you guys got more questions or discussion on the motion that's being made?

(Whereupon, no response.)

CHAIRMAN DAVID KIEFT: I want to say some things before the -- before the -- we vote on the motion. And one of the things I want to say is, you know--

UNIDENTIFIED SPEAKER: Can you use the mike?

CHAIRMAN DAVID KIEFT: I just want to say a couple of things. There's a lot of people in this room who do not know me. There's some people in this room who do
know me. I'm a guy who I work for Muskegon Township. I'm the supervisor there and I serve the public every day. And every day, I remind myself and many of the people in my office that this isn't about me, it's about them.

And I know there's a lot of people in here who gave their opinion and they know this and they know that. There's very few engineers in this room and there's a lot of people in this room that say it's about me and I don't have a problem so you shouldn't be doing this. And there's people in here that say I do have a problem and please help me. It's coming from both sides of this and I understand that.

The thing that bothers me about this is the people on the side of this that -- that say it's not about -- you know, I don't have a problem and why should the government be bailing them out in this thing. I'm not speaking on behalf of the Board. I'm just giving my opinion in the sense that, you know, it isn't really about-- You don't know the-- I guess my way of saying this is if it isn't something that you have to deal with or it isn't something that affects you, I don't know that you understand the feeling, the stress, and the pain that some of these people in this area are going through.

I mean, I know some of you look at me and think, oh, man this ridiculous, why are they making this
decision on our behalf? My vote is going to be to help these people and I think that that's what we should do. It's up to you guys to vote however you want, but I just wanted to say that when I think about this or any other thing in my day-to-day operations of doing business in Muskegon Township, I always think this isn't about me. It's about everybody. There were a lot of people in this room tonight, a lot of people for, a lot of people against it, but it's about everybody in this room.

So I hate to go on forever, but--

(Whereupon, applause.)

MR. LOU NORDLAND: I'd just like to make a comment, too. And it's a public meeting, but I'd like to quote the Bible. In the beginning of the Bible, Cain asks God, am I my brother's keeper? And God spends an awful lot of time in the rest of the Bible explaining that, yes, you are. And I think if you guys are a community, there are a lot of people out here who spoke their peace, and many of the things were well taken and well thought out, and we appreciate the input that you gave. But as a community, you are your brother's keeper and I think I will vote yes for the thing, as well.

MR. THOMAS RAAP: I don't have a whole lot to add to it, other than I will vote yes for it, that there is a problem.
CHAIRMAN DAVID KIEFT: Well, we all -- we all
gave our -- we all gave your opinion. Okay. So after
giving our opinion, I do need an official-- Motion has
been made and seconded. All those in favor, signify by
saying aye.

MR. THOMAS RAAP: Aye.

MR. LOU NORDLAND: Aye.

CHAIRMAN DAVID KIEFT: Aye. Okay. So we've
determined to move forward. What else we got to do?

MS. BRENDA MOORE: You have to do the
determination for public health of Fruitport Township, you
have to do those.

MR. LOU NORDLAND: We still have a couple
other motions on this, so we need to keep going and she
can't hear what we're saying, so thank you very much.

Okay. The next thing is determination of
public health benefits to Fruitport Township. I guess I
will move that the maintenance and improvement of the Kuis
Drain is necessary for the protection of the public health
in Fruitport Township and that all or a portion of the cost
should be apportioned to municipality at large.

CHAIRMAN DAVID KIEFT: Your motion has to be
all or a portion of the cost.

MR. LOU NORDLAND: A portion.

MR. THOMAS RAAP: And I will second that, that
motion for a portion of the cost.

CHAIRMAN DAVID KIEFT: Motion has been made and seconded to -- that the maintenance and improvement of the Kuis Drain be necessary for the protection of the public health in Fruitport Township and that a portion of the cost should be appointed -- apportioned to the municipality at large.

Are there any questions or discussion on that motion?

MR. THOMAS RAAP: I do not.

CHAIRMAN DAVID KIEFT: If not, all those in favor signify by saying aye.

MR. THOMAS RAAP: Aye.

MR. LOU NORDLAND: Aye.

CHAIRMAN DAVID KIEFT: Aye. Those opposed?

(Whereupon, no response.)

CHAIRMAN DAVID KIEFT: That motion is carried.

Determination regarding public health benefits to Sullivan Township. I will make a motion that the maintenance and improvement to the Kuis Drain is necessary for the protection of the public health in Sullivan Township and that a portion shall be apportioned to the municipality at large.

I hear a second on the motion?

MR. THOMAS RAAP: I second it.
CHAIRMAN DAVID KIEFT: Motion has been made and seconded to -- that the maintenance and improvement of the Kuis Drain be necessary for the protection of the public health in Sullivan Township and that a portion shall be apportioned to the municipality at large.

Are there any questions or discussion on that motion?

MR. THOMAS RAAP: No.

CHAIRMAN DAVID KIEFT: Hearing none, all those in favor signify by saying aye.

MR. LOU NORDLAND: Aye.

MR. THOMAS RAAP: Aye.

CHAIRMAN DAVID KIEFT: Aye. The last motion that we need to make is a determination of adding lands to the drainage district, that pursuant to Section 197 of the Michigan Drain Code, MCL 280.197 -- pursuant to Section 197 of the Michigan Drain Code MCL 280.197, it is necessary to add to the Kuis Drain Drainage District as specified by the Board of Determination and as denoted in the proposed drainage district boundary map. Do I hear a motion -- or support on the motion?

MR. THOMAS RAAP: I support the motion.

CHAIRMAN DAVID KIEFT: Motion has been made and seconded that pursuant to Section 197 of the Michigan Drain Code MCL 280.197, it is necessary to add lands to the
Kuis Drain Drainage District as specified by the Board of
Determination and as denoted in the proposed drainage
district boundary map.

Any questions or discussion on that motion?

MR. THOMAS RAAP: No, I don't.

CHAIRMAN DAVID KIEFT: Hearing none, all those
in favor signify by saying aye.

MR. THOMAS RAAP: Aye.

MR. LOU NORDLAND: Aye.

CHAIRMAN DAVID KIEFT: Aye. Those opposed?

(Whereupon, no response.)

CHAIRMAN DAVID KIEFT: That motion is carried.

MS. STEPHANIE BARRETT: Motion to adjourn.

CHAIRMAN DAVID KIEFT: Does she want the right
to--

MS. STEPHANIE BARRETT: We can do a motion to
adjourn.

CHAIRMAN DAVID KIEFT: She probably wants to
remind them of their right to appeal. You want to remind
them of their right to appeal before we--

MS. BRENDA MOORE: Thank you all so much. I
know this is grueling and you have probably a lot of more
fun things to do tonight, but thank you for coming. Again,
the map, the study, the presentation and ultimately what
our court reporter comes up with will end up on our web
Anyone who feels aggrieved or disagrees with the decision of the Board of Determination may appeal within 10 days to the Muskegon County Circuit Court. Circuit court's review is limited to whether or not the Board's actions are authorized by law and whether the Board's findings of fact are supported by material, substantial, and competent evidence on the whole record. The order of necessity will be available at the drain office tomorrow and we recommend you consult an attorney regarding these issues.

Again, thank you very much for your attendance.

CHAIRMAN DAVID KIEFT: I need a motion to adjourn.

MR. THOMAS RAAP: Make the motion to adjourn.

MR. LOU NORDLAND: I'll second that.

CHAIRMAN DAVID KIEFT: A motion has been made and seconded to adjourn the meeting. All those in favor signify by saying aye.

MR. THOMAS RAAP: Aye.

MR. LOU NORDLAND: Aye.

CHAIRMAN DAVID KIEFT: Aye. Those opposed?

(Whereupon, no response.)

CHAIRMAN DAVID KIEFT: We are adjourned.

(Whereupon meeting conclude at approximately 10:26 A.M..)
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 drain commission 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 13th day of February, 2014.

Michelle M. McKee, CSR-3841
Notary Public, Muskegon County, Michigan
My commission expires June 7, 2014