STATE OF MICHIGAN

OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

In the Matter of:

Black Creek Consolidated Drain

December 7, 2016
6:30 P.M.

Ravenna High School
2766 South Ravenna Road
Ravenna, MI 49451

Board of Determination:  Mr. Donald Munski (chairman)
Ms. Judy Marcinkowski (secretary)
Ms. Wendy Bloem
Mr. Steve VanHoeven (alternate)

RECORDED BY:  Michelle M. McKee, CSR 3841
Certified Shorthand Reporter
MS. BRENDA MOORE: We're going to get started. Can you hear me okay?

UNIDENTIFIED VOICES: Yes.

MS. BRENDA MOORE: I appreciate everyone coming out tonight. I know meetings on public drains aren't fun, but I do appreciate everyone making an effort to come out. Like I said, I'm Brenda Moore. I'm the County Drain Commissioner.

This is a public hearing on a petition that my office received. And this is our Board of Determination. This is the engineer and attorney. Ryan McEnhill is our engineer, he's going to be presenting. Dan Fredricks-- Where did you go, Dan? --he's another engineer that has worked on some projects out here and he's here to provide information to the Board of Determination if they have questions that Ryan can't handle. Stacy Hissong is our attorney.

These are Board of Determination members. They are members of the public who may not live in this area or own property in the district. I literally drew their names out of a hat who have served before. I usually get names from township supervisors of people who have served on a ZBA or planning commission who are objective thinkers and do well with a crowd.

So we have Mr. Don Munski, Ms. Judy
Marcinkowski, Wendy Bloem, and Mr. Steven VanHoeven, and our court reporter, Michelle.

Stephanie Barrett, would you enter the room, please? Stephanie Barrett is the deputy drain commissioner. She's the person that -- she's-- Thank you, DJ. I just want everyone to know that she's my right hand and she does a lot with answering questions from you folks, so I want you to see her face, too.

I need to administer the oath of office for the Board of Determination members. And then I'm going to sit over here and answer questions if the Board of Determination, which we call BOD, needs to have questions answered.

This is Stephanie. Stephanie Barrett, our deputy. I just didn't want you to get away without showing your face.

MS. STEPHANIE BARRETT: I was fine out here.

MS. BRENDA MOORE: I know, you're working, but I wanted everyone to know who you are.

MS. STEPHANIE BARRETT: Thank you.

MS. BRENDA MOORE: Okay. I'm going to administer the oath now and we'll get going. Would you all raise your right hands, please. Do you each solemnly swear that you will faithfully perform and discharge the duties imposed upon you as required by law as members of the Board
of Determination appointed by the Muskegon County Drain Commissioner to determine the necessity for maintenance and improvement of the Black Creek Consolidated Drain for the protection of the public health in Casnovia, Egelston, Moorland and Ravenna Townships, in said County?

MR. DON MUNSKI: I do.

MS. JUDY MARCINKOWSKI: I do.

MS. WENDY BLOEM: I do.

MS. BRENDA MOORE: Do you each affirm that you are landowners and residents of Muskegon County, but do not own lands or reside in Casnovia, Egelston, Moorland or Ravenna Townships?

MR. DON MUNSKI: Yes.

MS. JUDY MARCINKOWSKI: Yes.

MS. WENDY BLOEM: Yes.

MS. BRENDA MOORE: Okay. Thank you very much.

MS. STACY HISSONG: At this point, there needs to be an election of a chairperson and a secretary by the Board of Determination members.

MS. JUDY MARCINKOWSKI: I would like to make a--

MS. STACY HISSONG: Use your -- use your--

MS. JUDY MARCINKOWSKI: I would like to make a motion that Don be the chairman of this Board of Determination.
MS. WENDY BLOEM: I would like to make a motion to have Judy be secretary of the Board of Determination.

MS. STACY HISSONG: I think you need to have a second to the motion on chairperson before you move to the secretary.

MS. WENDY BLOEM: I will second her motion as Don as the chairperson of the Board of Determination.

MS. JUDY MARCINKOWSKI: All in favor?

MR. DON MUNSKI: Aye.

MS. WENDY BLOEM: Aye.

MS. JUDY MARCINKOWSKI: Aye.

MR. DON MUNSKI: It's unanimous that I'll serve as the chairperson.

MS. STACY HISSONG: And you're going to use your microphone.

MR. DON MUNSKI: Yes. It's unanimous that Don Munski will serve as the chairman of the Board of Determination.

UNIDENTIFIED SPEAKER: Point of order. There are four members there. It's a three member panel. Who is the alternate?

MR. STEVE VAN HOEVEN: (Whereupon, raised hand.)

MR. DON MUNSKI: And then the motion is on the
floor that Judy serve as the Board of Determination secretary. The Board of Determination, all those in favor?

    MS. JUDY MARCINKOWSKI: Do we need a second for that? Wendy made the motion.

    MR. DON MUNSKI: Okay.

    MS. JUDY MARCINKOWSKI: We need a second.

    MR. DON MUNSKI: Do we have a second?

    MS. WENDY BLOEM: Be you.

    MS. JUDY MARCINKOWSKI: Can I second my own--

    MS. STACY HISSLONG: Sure.

    MS. JUDY MARCINKOWSKI: Okay. I will second it. All in favor?

    MS. WENDY BLOEM: Aye.

    MS. JUDY MARCINKOWSKI: Aye.

    MR. DON MUNSKI: Aye.

    MS. JUDY MARCINKOWSKI: It's unanimous. I will serve as secretary of this Board of Determination.

    MR. DON MUNSKI: Okay. Now that -- following the agenda, we completed the election of the secretary and chairperson and then we have the rules of public comment. Do I have a motion for rules of public comment?

    MS. WENDY BLOEM: I'll make the motion. I will make the motion that we accept the rules of public comment.

    MS. JUDY MARCINKOWSKI: I will second that.
And then you read those.

MR. DON MUNSKI: I will read this. These are the rules for public comment by the Black Creek Consolidated Drain Board of Determination meeting. In the process of the Board of Determination, public has an opportunity to provide testimony. The following is an explanation of the rules associated with public comments.

Comment cards. The Board of Determination will call the public to testify in the order of the comment cards received. The comment cards are to ensure the speaker is identified properly and the testimony is relevant to the petition.

Timely. In order to ensure everyone has an opportunity to speak and provide testimony, the Board of Determination is limiting testimony to three minutes per person.

Transfer of time. The Board of Determination will not allow members of the public to transfer, pool or defer their time to another member of the public. Instead, once a member of the public has finished speaking, any remaining time he or she has left is forfeited. This once again ensures that everyone who wishes to speak is given the opportunity to do so and it ensures all testimony and evidence is succinct.

Floor identification. Before testifying, each
member of the public needs to state their name and address. This allows for an accurate record of the meeting to be kept.

Comment priority. Petitioners, the road commission and affected municipalities will be given the opportunity to deliver their testimony first.

Purpose. The purpose of public comment is to allow members of the public to provide evidence that may affect the Board of Determination's decision. As a consequence, any questions asked during public comment may be answered at a later time to guarantee everyone is afforded the opportunity to speak.

With that -- with that read into the -- into the minutes, I'd like to call for a vote on accepting the rules for public comment. All those in favor, say aye.

MS. JUDY MARCINKOWSKI: Aye.

MS. WENDY BLOEM: Aye.

MR. DON MUNSKI: Aye. All those opposed, say nay.

(Whereupon, no response.)

MR. DON MUNSKI: The motion passes. So we'll follow the public comments that have been entered into the record.

Now we're on to the outline of the Board of Determination procedures. I'd like to call on Stacy for
giving a brief overview of your role and function of the
Board.

MS. STACY HISSONG: And my name is Stacy
Hissong. I'm the attorney for the drainage district. My
office is Fahey, Schultz, Burzych, Rhodes. I work for
about 20 different county drain commissioners throughout
the State of Michigan.

As the chair mentioned, there are comment
cards that were passed out. If you wish to speak, fill out
the comment card. If you didn't get one and change your
mind, the drain commissioner has those and those will be
used in order for the Board of Determination to call on
members of the public to speak.

As Brenda mentioned, the Board of
Determination is made up of three property owners in
Muskegon County who reside in Muskegon County but do not
own property in any of the municipalities affected by the
drainage system. They have a specific role tonight, and
that is to hear evidence provided by the engineer and
evidence provided by the property owners or any member of
the public in public comment and to make a decision as
required statutorily under the drain code -- that is,
whether maintenance or improvements of the Black Creek
Consolidated Drain is necessary or not necessary for the
public health, convenience or welfare.
If they decide that a project is necessary, then they make a second decision, and that is whether the necessity is necessity for public health or whether all of it or a portion of it is necessary for the public health of each of the municipalities. If they decide that it is necessary and it's a portion, then the municipalities will pay for a portion of the project out of their general fund moneys at large. If the Board decides that the entire project is necessary for public health and not for specific property owners then the municipality would pay for the entire project and the property owners would pay for none of it. And you if decided it was not necessary for public health, then the property owners would pay for it and the municipalities would not participate in that. So it's not necessary -- if you get to that point, not necessary for public health, all of it's necessary for public health or a portion of it is necessary for public health. And if it's found -- if you get to that step, I'll be happy to answer any questions you have with regard to that question.

When it comes to the first question that the Board is called to vote on, whether a project or maintenance improvement is necessary for the public health, convenience or welfare, they are not voting on a specific project. They are not voting on a project scope, what should happen or shouldn't happen. They are not voting on
a specific cost of a project, nor are they voting on how much any property owner or property owners will pay for a project. That is the determination of the drain commissioner if the project is found necessary. All they do is hear information from the engineers and information from the public and decide whether something should be done. And that's the decision they make.

What the something is and how much that something might cost is the determination by the drain commissioner after this meeting. So there will be a number of steps, if it is found necessary, that the drain commissioner will take in determining the scope and the cost of the project and we can answer questions about the specifics of that later. But the purpose of the meeting tonight and the purpose of what this Board of Determination is here to do is to decide whether something needs to be done, whether it is necessary for the public health, convenience or welfare to move forward with the meeting, some sort of means or improvement of the drain.

UNIDENTIFIED SPEAKER: Can you explain convenience and welfare?

MR. DON MUNSKI: Would you please explain that?

MS. STACY HISSONG: The question was what does public health, convenience or welfare mean. That is not
defined within the drain code, so the necessity would be
d public health, convenience or welfare. So convenience
might be -- examples might be if there is examples of road
flooding that might occur, basement flooding, stagnant
water for public health reasons. There could be a variety
of different circumstances that would lead to that.

MR. DON MUNSKI: Okay. Let's move on.

MS. STACY HISSONG: Microphone.

MR. DON MUNSKI: Let's move on. Next is
procedural history and Ryan McEnhill will be talking about
that.

MR. RYAN McENHILL: All right. Well, good
evening, everyone. My name is Ryan McEnhill. I'm with ENG
and we are consulting engineers and surveyors. We work for
several county drain commissioners across southern lower
Michigan. Our firm is based in Lansing, Michigan, although
I am a Muskegon County resident, born and raised here and
currently live here, as well, so I'm definitely familiar
with the area and the characteristics of the watershed.

So the way this is set up, we have this board
set up over here primarily for the audience here to see and
then we have this board over here which is primarily being
used for the Board members to have a better look at the
presentation.

So I'm going to just reiterate a couple of
things that Stacy just went through that just gives you an overview kind of why we're here today. So there was a petition filed by landowners in the drainage district. And a petition by the drain code only requires five signatures to get to this point. Those petitioners only start this process for why we're here today. They don't dictate the scope of the project or what's going to be done after that. And the drain code requires a board of determination meeting, it's a statutory requirement. That's laid out before anything else is done or not done if this Board finds it's not necessary. So these three members do not live in the affected townships. They are Muskegon County residents. And like Stacy mentioned, their sole purpose here today is only to determine necessity and the necessity based on the public health, convenience or welfare.

After I go through my presentation here today, we certainly encourage comment from all of you good, bad or indifferent so that this Board can make an educated decision on necessity.

So just to give you an idea of what we've done to date, we've reviewed drainage conditions of the study area, and I'm going to show the maps a little bit later in the presentation that goes through this study area, but it's primarily where the petition was generated and where we have gotten the most complaints which ultimately
resulted in the petition and then provide an independent and unbiased assessment of those drainage conditions after we've had a chance to evaluate it.

The second thing that we did, and I'm sure many of you are aware of it, is that there was a day of review of apportionments in 2015, that was the result of some maintenance work that was done on the Black Creek Consolidated. And at that time, numerous complaints were recorded to the Drain Commissioner's office and staff, so all of those were followed up on. I think they told you at that time that those would certainly be followed up on and not just go on deaf ears. So in response to that, there was, I believe, 12 inspection reports on different drains throughout the Black Creek Consolidated or branches of the Black Creek, and those were all prepared and I reviewed all those to see where some of those documented issues were at.

And then secondarily, on top of those reports, we reviewed briefly, because there are 52.4 miles of drain in this district, we briefly reviewed kind of a snapshot of the drain conditions throughout the district. And then we compiled all that analysis into a condition summary report. And that condition summary report is -- all the Board members have a copy of that and they can submit that and include that as part of the minutes of the meeting. And also the report basically gives everybody here today a
summary of what we found.

I also just want to make a quick note, too, that I am going to go through a little bit of background only because these three Board members here today have little to no idea of anything that has gone on in this watershed, so they're basically coming in with a blank slate and we want to give them a better idea of what the drainage issues look like.

So this is a district boundary overview. Just to give a general idea, there's over 17,500 acres of land area in this district. 1,075 acres in Casnovia; the smallest portion in Ravenna Township is 99 acres; and then in Moorland Township, 13,212, which makes up I believe over 60 percent of the land area in the district; and then Egelston Township with just over 3100 acres. And it encompasses over 1500 properties and 52.4 miles of drain. Previously, there were -- before this drain was consolidated in 2011, there was actually 16 standalone drains. And with that 2011 consolidation, those all became Black Creek Consolidated.

So with my report today, I'm going to focus on two things: The study area, which is where this petition was generated from; and then secondly, we're just going to go through some of the district wide drain conditions, the inspection reports that were on file with the Drain
Commissioner's staff, and then just the field and common
sense that we did to try to get a general feel of the
conditions out there.

So I'm going to start with the study area.
So this is primarily Section 35 of Egelston Township. The
western boundary is Maple Island Road, the southern is
Evanston Avenue, and then to the east is Barnes Road. This
is the former Smith Mulder Branch of the Black Creek
Consolidated. I'll get my pointer out here.

Okay. So the main complaints that we had with
surface flooding were right here with Evanston Avenue. The
main petitioners were along this area here, Maple Island
Road, that's where the primary issues were at. So this is
kind of what we outlined as, okay, let's do a study area.
Let's investigate this area and see what the conditions
are.

MS. BRENDA MOORE: Ryan, would you show
everyone on this one, too?

MR. RYAN McENHILL: Sure. So Maple Island to
the west, Barnes Road near Evanston Avenue as the southern
line. Again, the primary surface flooding issues were in
this area (indicating). And then the petitioners or
complaints, I guess I should say, were in this area. And
then actual petitioners, for the most part, were right here
along Maple Island Road.
So this is -- this is the exact same map that I just had up except this is what we call a contour map. And what the complainants were telling me was primarily that water builds up in this hatched area and just has nowhere to go. So the first thing that I wanted to do was, okay, let's investigate that. We checked out a contour map. And just to explain what a contour map is is basically each one of those red lines on there represents an elevation. So we're able to tell where the high ground is at, where the low ground is at. It's also how we generate our drainage district boundaries based on these contour maps.

So the first thing we did was we reviewed I guess the validity of does this water really have nowhere to go? Okay. So that hatched area that's right here, basically it just acts as a bowl. There is absolutely nowhere for surface water to go. It was primarily-- In this area, we have sandy soils. You have a groundwater table that is generally anywhere from 6 inches to 24 inches below the ground surface. Okay. So you could stick a shovel in the ground in some cases and hit groundwater.

So the other -- the other issue was here (indicating) with the -- with basement flooding. So there was two issues there, one with the surface flooding that primarily happened here in the hatched area, this area, and
then we had secondarily this area here, which was reported basically flooding.

UNIDENTIFIED SPEAKER: And that's on Evanston.

MR. RYAN McENHILL: The basement flooding here is on Maple Island Road. This is primarily-- This is Evanston Road, and that's primarily where the complaints were of the surface flooding.

Okay. So what ultimately happens in this area because of the high groundwater table is that in the springtime, that groundwater table comes up. The ground is completely saturated. There is no longer voids in the soil for water to infiltrate. Eventually, the water comes up and continues to rise because it can no longer infiltrate. So you end up with standing water for periods of anywhere from two weeks to two months. The only way for that water to dissipate with no outlet is the groundwater levels have to slowly gradually decease, go lower. And then eventually as that soil can start taking on water again, it takes a long time for that to happen.

So on this next slide, we go through kind of how the existing condition for the basement flooding issues are currently shaping up. So again, there is no outlet right now for storm water. With the high groundwater table, what happens is these sump pumps here are basically discharging over land right out -- right back out --
outside their home. What eventually happens is these -- it just recirculates right back down to the sump pump and continues to recirculate the exact same water they just pumped out. Okay. So basically -- when that happens, obviously your electricity costs, if your sump pump were to fail, you're going to have structural damage. So there's really no positive outlet there for water to get away so it ends up with just water being recirculated over and over again on the -- into your sump pumps. So again, water here is basically discharged outside the home. It's continually recirculating because there's just nowhere for it to go. And again, that's one of those things where the groundwater elevation has to lower for it to even be effective.

One thing I want to say to you, if there -- if there's questions, I'd like to get through this presentation all the way. I'm sure some of you will have questions. If you have questions during the public comment period, you can direct those to the Board. If the Board would like me to answer those questions, I'm very happy to do that. But just for the sake of time, I'm going to try to get through all this without taking questions during my presentation.

Okay. So this is-- I tried to acquire some photographs from the residents that were out there to just give an indication of the issues that they were having with
the surface flooding. Unfortunately, I wasn't able to acquire any of those. I'm not sure if it was just something they don't want to remember or not. But I was able to just go through—Google Earth has a nice feature where you can actually go back in time in increments and kind of see aerial views of what's occurring. So I just want to--this is just from earlier this year, and you can kind of see--for the Board members here, you can see kind of the standing water here in the ditches. There's really, like I said, no place for that to go currently. And then for the crowd here, you can see the standing water there in the ditch areas.

Okay. So I'm going to get away from that study area a bit and go into--switch gears a little bit and go into kind of the overall drain conditions that we found. And I thought it would be beneficial if we just briefly went through kind of a quick terminology of words that I'm going to use here. I just want to make sure that you understand them.

So a culvert, typically a structure, usually a pipe, can be a bridge, something that allows stream flow to go through, usually occurs in a driveway or a roadway.

And undersize, when we talk about undersize culverts, basically we typically size culverts for a driveway for a 25-year rain event, which would be each year
it's a 4 percent chance of that occurring. For a roadway where obviously we want to be a little more conservative, we might size those typically for a hundred year rain event, which would be basically have a one-percent chance of occurring in each given year. Okay. So when we talk about undersize, basically what we're indicating is that it doesn't meet that criteria.

Then the second with the purged culverts is basically that the invert or flow line or bottom of the culvert sits much higher than the bottom of the stream, so water actually has to sit and stand and build up before it actually gets into that culvert.

The other is sedimentation. So the easiest way to explain this one is that it's just the accumulation of standing dirt that gets into the drainage channel. Okay. It can come off roadways, it can come off land, it can be wind blown, it can be from eroding banks, but basically you're getting a lot of sand, dirt, silt accumulation in the centerline of the drain channel.

Okay. So obstructions would be trees, stumps, logs jams, all those sorts of things that would inhibit the flow of water.

And then the erosion is basically the wearing away, in this case drain banks where it actually goes hand in hand with sedimentation, has those drain banks starting
to push in or slouch. They deposit sediment into the middle of the drain. It's also contributing to loss of land in that scenario.

But the thing with all of these is that they reduce capacity, they back up the system, they basically all lead to inefficient functioning of the drain system. Those are the four words that you're probably going to hear in the next 10 minutes quite a bit, so I just want to make sure that you're aware of the meaning of those.

Okay. So these are -- go through some culvert issues that we've had. These are, again, these come from the inspection reports, actually go out in the field and visiting doing site walks to come up with these photos. This is an example on the Muskegon-Newaygo Branch where actually upstream of this location you have I believe a 17-foot wide or 20-foot wide bridge that cross roadways and then you're actually coming down into these two 8-foot-by-6-1/2-foot culverts that are on the verge of failure. So the biggest thing that jumps out when you see this second picture here is that these are extremely undersized. So it would be -- normal flow conditions, this would obviously be during a rain event. And you can see that it's causing those two culverts to surcharge and start to back-- When I say surcharge, back up water for water to rise and it negatively impacts the upstream watershed. The
other thing is -- and this -- these headwalls here are all deteriorating. There's broken, old concrete, and those are all starting to erode, as well, put sedimentation into the drain.

So this one is also on the former Muskegon-Newaygo. I actually put two blue lines on there to actually indicate where these pipes are at because they're not even noticeable. You can see in this second picture that there is actually a crushed portion that is actually coming disjointed. So these are two -- or an example of where you have a completely submerged culvert, again, leading to a submerged condition where you just don't effectively get good hydraulics or flow through the system in this scenario.

This is just an example of some aging at the structure again. Obviously, the timber culvert is not something that we typically specify -- or I've never specified any longer. It's kind of an aged-out material that we no longer use just due to the rotting. And in this case, obviously we have quite a bit of skew here. Actually, something where we get into a failure location here on this side and we have rotting in the headwall and it's actually being pulled apart there. And then there's an example here of the sediment -- or erosion that we're talking about in that location (indicating).
The other thing that I -- that was evident to
-- on more than one of the drains is the amount of
sedimentation, vegetative overgrowth. Again, kind of the
big theme that we saw when you review the files, and not
even on just the Black Creek Consolidated but on drains
throughout Muskegon County, is that, one, either nothing
has been done for a long, long time as far as maintenance
goes, they've just been neglected; or, two, it was done by
a third party, that's just the way it was done.

So in this case, we have sediment and
vegetative overgrowth. You can see the amount of cattails.
This is actually looking straight down the centerline of
Bailey -- drainage from Bailey Road, so you can see the
amount of -- amount of growth in there that obviously is
not conducive to good drain flow. And same thing with this
photo, this is the Muskegon-Newaygo Branch Number 3 looking
east from Fuller Road. If you didn't know a drain was
actually there, you would just -- you would probably think
it was just a wetland, it just no sign of -- no sign of
flow through that system.

And then these are the log jams and
obstructions, heavy brush. It's just water doesn't like to
move around stumps and trees and it's just not -- it makes
it very difficult for water to flow.

And then this is -- this is an example of bank
erosion, stagnant water. The one thing with erosion is that eventually it leads to a loss of land. Okay. So in addition to the sedimentation where you're getting reduced capacity, you're also losing land on your property, as well, as it starts to push back and then erosion gets into the centerline of the drain.

And then surface flooding. Actually, Stephanie Barrett, when we were talking about this, I just thought this was a field that just had some surface flooding and she indicated, no, this is actually the centerline of a drain channel. So there's actually a culvert right here which is barely visible, submerged.

So this was actually an inspection report to -- and basically they indicated that the main contributors to all this surface flooding were the sediment in the drain, undersized culverts, purged culverts, and then also there were actually man-made restrictions in there, weirs that were put in for one reason or another, most of which weren't documented in county drain records of why some of these restrictions were -- weren't permitted at this time. So this is the kind of condition that you're left with and then some former debris jam.

I had a few slides in here just to give you an idea of what happens when maintenance is done. These are projects that were done recently, I believe in the last
three or four years, that just give you an idea of the improvement that just maintenance can do. They actually, the Dirks Drain of Black Creek Consolidated actually dropped the water levels in this drain by two to three feet, just with a basic -- basic development of the drain, stabilizing the banks. You can see how much better drain flow is when you -- when you do just basic maintenance.

Same thing on this one, this is the former McSorely Drain of the Black Creek Consolidated. But again, before work, you can actually see the tint -- the tint of brown there, that was actually the bottom of the drain, it had filled in that much with sediment. And then, again, just basic maintenance work and you no longer have that condition. There is -- you can see the brown tint which indicates where the bottom of the drain was because it had filled in so much and then after.

Okay. So now I'm just going to circle back, go back through the study area. One of the things obviously that we looked at when this issue came to light was, well, can we fix it? Is there a reasonable alternative to fix it? We actually looked at two different options. We looked at, okay, can this go to the Black Creek Consolidated, the Smith Mulder. We also looked at potentially going south to the Norris Creek to see if there was an option that way, as well. And ultimately, this --
and this is just a potential branch alignment, but it gives you an idea that there is -- we checked the topo maps, the topography, to make sure that this was feasible from a grade perspective, and it is. But this would be a potential branch of that former Smith Mulder Drain that would actually be able to service those properties to provide them that positive outlet so that it would basically solve both of those issues, the surface flooding, giving those folks a positive outlet for their sump pumps and alleviate that groundwater for that -- excuse me, that basement flooding that they were experiencing.

And this is just a schematic. Obviously I always feel like a picture is worth a thousand words on these to try to explain this. But basically, before--

I'll show this to the Board and then to the crowd, as well. Before, we're just dumping this water right back outside our home or recirculating constantly. Now, and this could be a pipe or an open drain, you basically now are discharging that to something that once you discharge that, it's going away. You're not recirculating it. You're not pumping it again. Okay. It's gone. And that's certainly an improvement that would certainly help a lot of people. We've done similar projects before, it reduces their electrical cost astronomically. Okay. So this is a feasible alternative or a potential solution to alleviate
those issues.

So what are the next steps? Public testimony. So again, obviously encourage all of you to get up in front, state your opinion, good, bad or indifferent of what you think the conditions of the drain are. Give your feedback. Give this Board as much information as you can. And again, they're here only to determine necessity.

I know in doing over 20 of these Board of Determination meetings that obviously everybody wants to know the scope, everybody wants to know the cost. And unfortunately at this point, those aren't things that we have and that's not something that the Board dictates. They only dictate whether this project is necessary or not. And if it's not necessary, the project is done, it's over right here. If it is found necessary, then typically what we do is sit down and evaluate what the scope of the project is going to be, go through design alternatives, and then -- and we've done this a lot with Brenda on her projects is have a scope meeting that you can see what we're proposing. You can give your feedback, give input, and we certainly take that very seriously. And then the final design is when we get into obtaining permits and in some cases easements and get everything ready, for big plans, to actually construct something. But again, none of that happens without necessity from this Board.
So with that, I will turn it back over to the Board. If the Board has any specific questions for me, I'm happy to answer them.

MR. DON MUNSKI: Do you have any questions?

MS. JUDY MARCINKOWSKI: No.

MS. WENDY BLOEM: No.

MR. DON MUNSKI: Do I have a motion to receive--

MS. STACY HISSONG: Microphone.

MR. DON MUNSKI: Do I have a motion to receive the report that was just provided?

MS. JUDY MARCINKOWSKI: I will make a motion that we receive that as part of the record.

MR. DON MUNSKI: Do I have a second?

MS. WENDY BLOEM: I will second that.

MR. DON MUNSKI: All right. All those in favor of receiving the report into the minutes, say -- signify by saying yes.

MS. JUDY MARCINKOWSKI: Yes.

MS. WENDY BLOEM: Yes.

MR. DON MUNSKI: Yes. Those opposed, say no.

(Whereupon, no response.)

MR. DON MUNSKI: The motion carries and the report is received.

I'd like to make a motion to receive the Black
Creek Consolidated Drain report, which is a conditions of summary report that was prepared, its Project Number 16294-00 dated December, 2016.

MS. JUDY MARCINKOWSKI: I will make that motion that we accept that report.

MR. DON MUNSKI: Do I have a second?

MS. WENDY BLOEM: I will second.

MR. DON MUNSKI: All right. I have a motion and a second. And all those in favor of the motion, signify by saying aye.

MS. JUDY MARCINKOWSKI: Aye.

MS. WENDY BLOEM: Aye.

MR. DON MUNSKI: Aye. Those opposed, say nay.

(Whereupon, no response.)

MR. DON MUNSKI: The motion passes, so the report is entered into the record.

And now we open it up for public testimony. The first thing that we have is a memo from the Muskegon County Road Commission and I would like to read that into the testimony. This is-- There's an e-mail from Paul Bouman, who is the county highway engineer from the Muskegon County Road Commission, to Brenda Moore. It's dated December 7th of 2016. It reads:

"Brenda, I won't be able to attend tonight's Board of Determination meeting on behalf of the Road
"My principle concern with this drainage system have been the changes to the drain grade line elevations over the years. These changes have impacted several structures at county roads in a negative way. Bridge footing scour, undermining of culverts, and slope erosion of shoulders have been serious problems for the MCRC, which is Muskegon County Road Commission. The following is a list of these locations:

"Moorland Road at JTB&S Branch: Drain has been lowered more than four feet. A grade control weir is needed in this drain downstream of Moorland Road to protect the bridge from scour.

"Bailey Road at JTB&S Branch: Culvert requires replacement and upstream downstream slope protection.

"Moorland Road at Porter Branch: Culvert requires replacement and scour countermeasures.

"Moorland Road at Smith Mulder Branch: Culvert requires replacement and scour countermeasures.

"Apple Avenue at JTB&S Branch: Downstream end of culvert requires scour repair and slope repairs and installation of scour countermeasures.

"Smith/McSorely Branch: The MCRC replaced a failed culvert at Ensley Road with a smaller culvert pipe based on the plan to redirect these flows to the Filter
Marsh project. We are uncertain as to the status of this drain or the flows to be routed to this culvert. If the flows are to be significant (flow towards Cranberry Creek) this culvert at Ensley Road may not be sufficient.

"Thank you for bringing these matters to the attention of the Board of Determination."

Signed Paul Bouman, County Highway Engineer.

Now the meeting is open for public testimony and we'll be calling people up based on the comment cards that we received. And if you could approach, come down to the microphone and state your name and then provide your comment.

MS. JUDY MARCINKOWSKI: All right. Excuse me. I'm going to be calling two names. The first name will be -- can come up to the microphone. The second name I'll call will be who is on deck, who will be coming up next to speak, so if you want to kind of prepare yourself for that. At the 2-1/2 minute mark, Wendy is going to put her hand up in the air. That is to indicate that you have about 30 seconds left to wrap up your comments. So once again, you have three minutes to speak.

And first up is Dan Nutt. Dan is here. Yes. And then second will be Rodney--

MR. RODNEY AUBERT: Aubert.

MS. JUDY MARCINKOWSKI: --Aubert?
MR. RODNEY AUBERT: Yeah.

MS. JUDY MARCINKOWSKI: All right. And once again, when you get up here, if you could kindly state your name, your address, and whether you live in the drainage district.

UNIDENTIFIED SPEAKER: What if you're here for the township?

MS. JUDY MARCINKOWSKI: Did you fill out a card?

UNIDENTIFIED SPEAKER: Yep.

MS. JUDY MARCINKOWSKI: I'll call your card.

MR. DAN NUTT: I'm Dan Nutt, a resident in the area. I'm also supervisor for Moorland Township. I'm looking at this and also reading the drain code and stuff, and it refers a lot in the drain code to benefit, the benefit of the people within the district or surrounding areas as to who would benefit.

UNIDENTIFIED SPEAKER: We can't hear you.

MS. JUDY MARCINKOWSKI: You kind of have to get closer to it.

MR. DAN NUTT: The drain code talks a lot about benefit -- benefit to the people. And again, as Brenda has explained in the past, somebody could be a mile or two away and still receive benefit from the drain because of the ditching and the drainage that would go on.
It seems to me there's enough people within the district have already paid and had their assessments. I feel unfortunate for these people. It's been wet forever and it's going to continue to be, but there's a lot of households and stuff that are going to lie outside of this district that are going to receive the benefit that's referred to so much within the drain code. Seems to me the nine people that petitioned maybe would have been better across the street trying to get more neighbors around them to help come in to offset this because they're going to be receiving a benefit and not be within it, yet you expect people in Casnovia and Moorland Township that could be 12 to 16 miles away to be picking up their portion of the bill with no benefit. So it just seems to me that, again, the word benefit is used immensely in the drain code. And then when you apply the benefit to this situation, it just seems to me unfair.

So that's my comment. Thank you.

MR. DON MUNSKI: Thank you.

MS. JUDY MARCINKOWSKI: Next up is Rodney, and on deck will be Peter and Sharon Bartels, so one of you want to decide who is going to talk, that's who is next.

MR. RODNEY AUBERT: Hi. I'm Rodney Aubert and I live in Egelston Township. My house is between the road commission and Maple Island.
MS. JUDY MARCINKOWSKI: Rodney, would you give an address, please?

MR. RODNEY AUBERT: 7446 East Apple. And I have a lot of flooding going on back there. I got some pictures here (indicating). My neighbor's got a dam and plus they put in a couple of culverts that is like 15 inches or so. And I got a lot of flooding going on. You can see back here, just-- And I had Brenda out there and an engineer and they took a lot of pictures, too, of it. And if you want to see these, it gives you an idea (indicating).

MS. JUDY MARCINKOWSKI: May we keep those to make them part of the record?

MR. RODNEY AUBERT: Yeah, you can keep them.

UNIDENTIFIED SPEAKER: While you're up there, you want to see if the mic is on? We're still having a hard time hearing.

MR. RODNEY AUBERT: This one here is mine, and that is the one -- that's the one I'm talking about right here (indicating).

MR. DON MUNSKI: Speak to the Board.

MR. RODNEY AUBERT: I'm sorry.

MS. JUDY MARCINKOWSKI: You can approach the bench.

MR. DON MUNSKI: Yeah, why don't you come up
MR. RODNEY AUBERT: Oh, okay.

UNIDENTIFIED SPEAKER: There might be a better microphone to do that, as well.

MR. RODNEY AUBERT: Right there is the smaller one, you can barely see it sticking up, and there is mine.

MS. JUDY MARCINKOWSKI: This is your -- this one is yours on the left?

MR. RODNEY AUBERT: Yeah. It kind of goes over the fence a little bit. This is -- would be my side right here, and this one is a little -- the one they put in. And you can hardly see it. This is-- That's some of the damage, you can see where -- this is a hill right here and it just -- it's on both sides of the creek. It will come here and go-- I got a better-- Right here, some more of it, the creek runs this way and then comes there. And there is some more.

But yeah, creek is over in here and it comes back up in here. This is the other side. I got like two sides of it. I did have one-- Okay. This is a little better. I got the creek is going somewhere in here and this is where it comes up in here and it floods this whole area in here. I had to clear out some of the trees and that because they fell down. And it's widened a lot and there's a lot of stumps in there because it's, you know,
widened, took out the trees.

You can have it.

MS. JUDY MARCINKOWSKI: Thank you. We'll look at this.

MR. RODNEY AUBERT: Brenda has got some pictures and the engineer has got pictures, they were both out there -- well, she was out there a couple of times. He was out there once.

MS. JUDY MARCINKOWSKI: Can you guys hear him better on this microphone--

MR. RODNEY AUBERT: I'm sorry.

MS. JUDY MARCINKOWSKI: --versus the other one?

UNIDENTIFIED SPEAKER: Yes.

MS. JUDY MARCINKOWSKI: This one is better?

This one is better?

UNIDENTIFIED SPEAKER: Yes.

MS. JUDY MARCINKOWSKI: And maybe I'll just give them mine for a few minutes.

MS. STACY HISSONG: This one will work, as well.

UNIDENTIFIED SPEAKER: Oh, that works better.

MS. JUDY MARCINKOWSKI: Oh, good.

MS. STACY HISSONG: I talk loud, so--

MR. RODNEY AUBERT: That's all I had to say.
I just want-- And I think there might be some dams. I think he said there's one more down further somewhere.

MS. JUDY MARCINKOWSKI: Thank you, Rodney.

MR. RODNEY AUBERT: Okay. Thank you.

MS. JUDY MARCINKOWSKI: All right. We have the Bartels. Who is going to speak on behalf of the Bartels? And up next will be Rod Vandenberg.

MR. ROD VANDENBERG: I'll pass. I'm all set.

MS. STACY HISSONG: Mr. Vandenberg is going to pass, so do you have one next?

MS. JUDY MARCINKOWSKI: Excuse me?

MS. STACY HISSONG: Mr. Vandenberg is going to pass, so do you have the next person?

MS. JUDY MARCINKOWSKI: Billie J, I'm sorry, Pickle--

UNIDENTIFIED SPEAKER: Picklesimer.

MS. JUDY MARCINKOWSKI: Sounds good.

MS. SHARON BARTELS: My address is 10108 Bailey Road, Ravenna, and it's Moorland Township. I'm in the district.

You've talked about a lot of things here, a lot of issues. Everything what you're going to be voting on in this determination is that everything that has been talked about or is it just the Egelston area? Is it all the whole -- everything the road commission mentioned?
MR. DON MUNSKI: We have--

MS. STACY HISSONG: My understanding of what you're asking is it just going to be the branch that was the study area or could the project involve any part of the drain?

MS. SHARON BARTELS: Everything that was discussed here.

MS. STACY HISSONG: Okay. The project may include -- may include any part of the drain that the drain commissioner determines needs to be worked on, but it doesn't have to. It includes some or all of it or it can include -- you know, it's not been decided.

MS. SHARON BARTELS: So we won't know that when we leave here this evening?

MS. STACY HISSONG: You will not know that when you leave here this evening. The engineering has not been performed to decide what the project scope is until there needs to be a decision that something needs to be done.

MS. SHARON BARTELS: So you presented all of these issues and we know that at any other time, give out -- you find things that need to be repaired, so we have to wait to find out whether you're going to include all of these, and two of you can make that decision for all of us. I have a problem with that. I think the law is wrong. I
intend to hound my representative and senator over it
because you're making a decision that ultimately you are
going to determine what kind of money we're going to be
charged, what kind of an assessment. And for people who
are on a fixed income--

I know you're not making that decision. But
if you make the decision that we have to do this and
depending on how big of a project it is, it could cost us a
lot of money. And I just I have a problem that we don't
have the right to vote on something this major and this
important when we vote on library increases. It doesn't
make sense.

MR. DON MUNSKI: Thank you for your comments.
MS. JUDY MARCINKOWSKI: Next up, Billie, and
on deck will be Jo Lynn DeYoung.

MS. BILLIE PICKLESIMER: I have a lot of -- a
lot of thoughts here. I guess I wonder--

MS. JUDY MARCINKOWSKI: You want to pull that
down a little bit? There you go.

MS. BILLIE PICKLESIMER: Okay. We'll try
that. Does that work?

UNIDENTIFIED SPEAKER: Yes.

MS. BILLIE PICKLESIMER: Okay. I have
questions, I guess, too, about how this is set up. I know
I'm told it's the law of the land and that the law is over
a hundred years old and it needs some changes, because I, too, don't believe two people should have the right to say that this needs to be done. I realize you have the engineer's report, but somehow when I was told five -- only five people had to sign the petition-- And I had a question, too. Those people that you -- have signed this petition, is that who you are taking care of now is what they are asking? And how does five people have the right to put something this -- which could be very fast and very expensive have the right to put that into motion?

Now you're saying it's the law. Well, the law -- if that's the law, it needs to be changed because there's a lot more people you have to think about than there was a hundred years ago. And I have been talking to my representative, to the senator, and I, too, will push to get some changes in this, because I personally do not think all of you should have this much power to make assessments and tax us without a vote. We should have a voice in this more than saying our opinion because, from the information I get, really I think the minds have already been made up what they want to do. And I -- I think it's an unfair that the people can't have a vote in these things.

Also, when you look at the overall picture, I want to know if these pictures you're showing are they present pictures? Are they pictures from the past while
this has happened in the past?

MR. DON MUNSKI: Well, to answer some of your questions, I'm going to have to defer to Stacy because she's our legal representative. And as to the -- what we're -- what the Board of Determination is tasked with, I think I move off the topic, but the Board of Determination is tasked with determining whether maintenance and improvement is necessary and conducive to public health, convenience and welfare. That is all we're tasked with.

MS. BILLIE PICKLESIMER: Well, I personally -- maybe I'm wrong, but in all the pictures, I didn't see where that was affecting people's health. I can see where the water is -- I have in my home, I live on-- My name is Billie Picklesimer. I live at 3641 John Street, Ravenna, and I have a sump pump which works very well. Maybe in some areas it doesn't. But why can't-- You say that it just goes back out into the ground and then it's just repumping, but it seems like there's some way of getting it away from the home, running away from the home some way for that, that you wouldn't be having to come right back into the home.

And also, there is a friend that I talked to today, now their home is this side of Wolf Lake on Apple Avenue, and they were talking about they got flooded out in their basement, but that's not included.
So there's a lot of things here that what --
how do you choose what you do when there's a lot of people
that, you know, if you do these things that probably need
the help. But I -- I personally am not for this because I
think all of you have too much power right now. I think--
I'm sorry. I don't trust -- I just don't trust politicians
anymore. I think that--

MS. JUDY MARCINKOWSKI: We're not politicians.
We're just volunteers in the community.

MR. DON MUNSKI: All right.

MS. JUDY MARCINKOWSKI: Next up--

MR. DON MUNSKI: Let's move on to the next--

MS. JUDY MARCINKOWSKI: --Jo Lynn DeYoung.

And after Jo Lynn, we have Gloria Finkbeiner. I hope I
didn't--

UNIDENTIFIED SPEAKER: She passes.

MS. JUDY MARCINKOWSKI: Gloria is passing?
Okay. So after that will be Tom Bro-- I can't read the
last letter. What's the last letter?

MR. TOM BRODEUR: Brodeur.

MS. JUDY MARCINKOWSKI: Brodeur. You're up
next after Jo Lynn.

MS. JO LYNN DEYOUNG: Jo Lynn DeYoung, 366
North Bossett Road, Moorland Township. I do live in the
district.
My concern is this is kind of on the southwest corner of the drainage district. They're asking for work to be done northeast of the district. If you improve the flow upon the drains in that area, my feeling is that that would only increase the water to their area and increase the problem. I'm not sure of the logic of that. I'm not a geologist or a hydrologist or whatever -- who does that, but it just seems illogical to work on the majority of the drain area to create a larger problem. Thank you.

MS. JUDY MARCINKOWSKI: Tom, you're up. And after Tom, we have Kathy Evans.

MR. TOM BRODEUR: My name is Tom Brodeur. I live in Egelston Township.

MS. JUDY MARCINKOWSKI: We need an address, please.

MR. TOM BRODEUR: 637 South Broton. I'm on the north side of 46. When you comment about Egelston Township, you know, benefiting from this, I mean, when I built my house about 20 years ago, I checked water tables, stuff like that. I have a basement. I have no problem. I'm assuming this will not benefit my area where I'm at at all. You know, these people have problems with their basements, that should be up to them.

The question I kind of have would be if you're looking at rerouting that drain, is that really beneficial
compared to maybe cleaning out the other or digging more
ditches and stuff along Egelston, maybe around the area,
and reroute that water to get that water maybe to flow
better. So when we say area residents, I mean, this whole
drain field area, I think that's kind of a misconception
because in my case, I don't think it's going to benefit me,
so I just want--

One question I would have of Ryan, if I could,
is would that be your recommendation to reroute that
section of the -- versus cleaning out the existing from out
there?

MR. DON MUNSKI: I think that I can speak for
the Board and then Ryan can join in. But the Board of
Determination for this--

MS. STACY HISSONG: Microphone.

MR. DON MUNSKI: This Board of Determination
determines whether or not there -- just to go back, is
whether maintenance and improvement is necessary and
conducive to public health, convenience and welfare. Right
now, we're not determining what has to be done. So that
has to be done -- that, as Ryan is explaining, that will be
done once we make a determination -- if we determine that
it has to be done. But if we don't -- if we determine that
it doesn't, then it stops at this meeting. But that has
to-- What you're looking for is kind of a solution and
solutions are further down the timeline.

MR. RYAN McENHILL: And I guess I would just add that we try to limit the amount of engineering work that we do prior to this meeting because if this Board were to turn down this project, we don't want to spend much money to come up with solutions to something that this Board does not feel is necessary, so we try to keep those costs to a minimum up front so that we do -- we go so far as to determine that, okay, there is a solution to this available, but getting into detailed engineering about how we solve that issue would be something that would be done after this meeting.

MR. TOM BROTON: All right. Thank you.

MR. DON MUNSKI: You're welcome.

MS. JUDY MARCINKOWSKI: Thank you, Tom. We have Kathy Evans up next. And after -- after Kathy will be Mark Evans.

MS. KATHY EVANS: Hello. I'm Kathy Evans, 1899 Barnes Road and I do live in the district. I live out at what I call Cranberry Creek, also called the corner of Smith-Mulder Drain.

And you know, I want to speak to the comments, I was supposed to stay to that, but it's very difficult to do that. I think the benefit, if any, would be very localized, not to the entire drain district, certainly not
to the watershed. I don't even know that the drainage from the Evanston Avenue area, you know, is pretty flat. It probably just always drained into the ground. I don't know that it ever made its way to Cranberry Creek Mulder Drain, Mulder Drain or even to the south to the other watershed.

But one other thing I want to mention is that with the consolidated drain district, the size that it is compared to the size of Mona Lake Watershed, I feel that the area that is paying for the improvements that will really greatly benefit Mona Lake are really disproportionately putting a burden on the lower income rural people with less dense population and large acreages, so our assessments are very high, and the folks that live on Mona Lake are not in the district and do not pay anything.

MS. JUDY MARCINKOWSKI: Next up is Mark Evans, and next on deck will -- after Mark will be Brandon Wilburg.

MR. MARK EVANS: Mark Evans. 1899 Barnes Road. Been there 35 years. And my property is on that map right there and it's bisected by Smith-Mulder Drain, which we like to call Cranberry Creek.

Just a couple of comments. As the gentleman, the engineer was talking about the erosion and sedimentation in his slide show, I ask that he think about
adding -- building wetlands as the problem because building
wetlands relieve a lot of these issues that we're dealing
with at this very moment. And we need to make sure that
our zoning laws with wetlands so we don't run into this
thing on a frequent basis. So those of you that work on
those sort of things, please be aware of that.

The engineer also showed us a lot of the
issues on consolidated draining district, slides on that.
These improvements, if you determine them to be necessary,
will come at a cost, something these folks have mentioned
also. I ask that these projects are identified. The drain
commissioner should make every attempt to find alternate
funding sources.

MS. JUDY MARCINKOWSKI: Excuse me. Mark,
would you just speak a little bit slower and maybe a little
bit louder? At some point, it just is a little hard for us
to hear and I want to make sure we hear it all. Okay?

MR. MARK EVANS: She's got it over there. I
said these improvements that you may determine to be
necessary will come at a cost, as many of these people have
already commented. I ask, as these projects are identified
in the future, that the drain office make every attempt to
find alternate funding sources for as much of the work as
possible before charging the land owners. There's a lot of
grants out there. There's a lot of other ways to pay for
projects other than to charge these people sitting here. Just because you can charge them for this work doesn't mean that it should be the way to do it.

I have five acres on Smith-Mulder Drain, nothing on it, just land. Very conservation minded, and that sort of lays on the creek. My current tax bill, 25.4 percent of my current tax bill is to pay for drain work. My current tax bill is to pay for drain work. I think we need to find alternate sources to do this work if it's determined that it needs to be done. Thank you.

MS. JUDY MARCINKOWSKI: Next up is Brandon Wilburg. After Brandon, we'll have Katherine Ralston.

UNIDENTIFIED SPEAKER: He passed.

MS. JUDY MARCINKOWSKI: Brandon passed.

MR. BRANDON WILBURG: You pretty much answered it for me.

MS. JUDY MARCINKOWSKI: Katherine. And after Katherine will be Chris Sterkin. Did I say it right?

MR. CHRIS STERKIN: Yeah, you said it right. I'm going to pass. My question was answered and I got to go to work.

MS. JUDY MARCINKOWSKI: Great. Glad we could help. All right. After Katherine will be Candy Busman.

MS. KATHERINE RALSTON: Katherine Ralston, and I live at 275 John Kent Drive. I'm kind of glad that we're
having a meeting. I'm not exactly thrilled about the area we're talking about because having five people to get a meeting like this started, I have a severe issue with my backyard which is part of the drain commission of Black Creek, which I was the Goebel extension, they called it. My whole backyard of 5 acres -- not my front yard but my backyard, 5 acres, continually stays flooded for about 9 to 11 months out of the year due to the creek. And when it dries up, I might be able to be on it anywhere from three to one month out of the year. And now it currently is constantly smelling of sewage, so to me that's a health and safety issue.

And then my -- my crawl space under my modular never stays dry due to the constant water table always being so high, so to me that's health and safety issue because it never dries out, even with the sump pump trying to get it dry. And there is always a mold issue under there, so therefore it can never dry out. So to me, that's a health and safety issue due to this drainage creek.

Someone on that Goebel extension did cleaning out and did do a maintenance, I would say, this summer. But the first rain of this fall, my whole backyard was flooded again and now it smells of sewage every day until it gets frozen. So to me, we need to do something, not just in this area.
MS. JUDY MARCINKOWSKI: Anything else, Katherine?

MS. KATHERINE RALSTON: Well--

MR. DON MUNSKI: You have about 55 seconds left.

MS. JUDY MARCINKOWSKI: You got about a minute.

MS. KATHERINE RALSTON: I just want to say, it's been that way for about 11 years that I've lived there. And if I say anything, it would be to unconsolidate things, this drainage, so that we all are in a smaller group again. And if we need to do drain commission stuff, we are all in a smaller group because it's already on my tax bill. I saw it for this winter that I'm being paid -- paying you guys like the county $55 for what -- being flooded.

MS. JUDY MARCINKOWSKI: Thank you, Katherine. Candy, you're up next. And after Candy is Tom Hendges.

MR. TIM HEDGES: Hendges. Tim.

MS. JUDY MARCINKOWSKI: All right.

MS. CANDY BUSMAN: My name is Candy Busman. I live at 1476 North Slocum Road, Ravenna. And I've been a part of this drain system for 26 years. My concern is possibly low issues as far as building in a place where the water table is quite high and looking at where the drain is
currently and how they're going to solve this problem. I'm not saying it's not a problem. It's definitely a problem if your basement is flooding. But I'm also concerned that land owners should take some responsibility of their own if they're going to build where there's a high water table. Thank you.

MS. JUDY MARCINKOWSKI: All right. Tim. And after Tim, we have Dave Johnson.

MR. TIM HENDGES: I'm Tim Hendges. Most of you guys know me here. Moorland Township Planning Commission, 1096 North Bossett. Now I've worked in this area probably 10 -- for years, including the area we're talking about here. I don't know what happened here, but I do notice in the past couple of years that Egelston on the south side is not draining. And I don't know what the cause is, but it's suddenly there in the past couple of years, water is hanging up, but it wasn't there before.

I know that there's work that has to be done in all the drainage systems because I've seen them all and they're in bad shape. I've had to cross them, clean them out. All I got to say is if these folks need the work, they need to get it done and don't put it on Moorland Township, which is going to pay the big share of this deal, including myself and anybody -- whoever owns any land along the drains, they're going to get hit hard. But the work
that's going to be done, just think of the people who are going to do it, pick up the biggest share of this.

And another thing I have to say is this consolidation of this drain back in 2011, I don't remember how that got in there, but before, if you want -- people wanted work done, they would pay along with the township to have the work done themselves. Now suddenly the whole 13,000 in Moorland is going to pay for a lot of this work and mostly the people who live on the drains. So I'm just saying, we need the work done, but make sure all these people like myself are not paying it just, you know, to cover these people.

All right. That's all I have to say.

MR. DAVE JOHNSON: I will pass.

MS. JUDY MARCINKOWSKI: All right. Tim passed. Dave Johnson.

MR. DAVE JOHNSON: I'm the one who passes, Dave Johnson.

MS. JUDY MARCINKOWSKI: Oh, you're Dave.

MR. DAVE JOHNSON: Yeah.

MS. JUDY MARCINKOWSKI: Tim just went. Got it. Didn't do my system here. All right. Verland Fill.

MS. VERLAND FILL: I'll pass. It's already been answered.

MS. JUDY MARCINKOWSKI: Scott Henry?
MR. SCOTT HENRY: I'll pass, also.


MS. ANN WOUDWYK: I live at 7377--

MS. JUDY MARCINKOWSKI: Can't hear.

MS. ANN WOUDWYK: 7377 East Evanston. I live in the basin area that we talked about on east side of Maple Island Road. We built two houses out on Evanston and we had perk tests done both times. We've been out there way over -- it's been over 35 years. We have a flood zone. It has never been like that until the last few years.

My question is we had the Mona Lake Watershed Project over by the wastewater and consolidated close to 20 drains over there. And I was curious, because they're going to treat 29 miles of water that came through there. And when the project was not completed, the water had to go somewhere and I don't know if that -- if those drains were ever put -- kind of rerouted back to where they were. From what I understand, water I think I believe was run into Black Creek. I was wondering if that raised our water table, because in all the years we've lived out there, our houses were fine. We've had a high water table, but we managed it just fine.

Like I said, we built our houses accordingly,
but something happened. And I'm just wondering, what happened with that marsh out there and where the water went? Because from what I understand, it got dumped into Black Creek. And I'm just wondering did that raise our water and should that water -- maybe drains be rerouted back to where they were and our water levels would go back to normal and should that be looked at before we spend all this money, you know, putting in culverts and everything else that maybe we don't need. So just my question.

MS. JUDY MARCINKOWSKI: Thank you.

MR. DON MUNSKI: Thank you.

MS. JUDY MARCINKOWSKI: Tim. After Tim, we'll have Rose Spoelman.

MR. TIM SKUSE: Yeah. Tim Skuse, 1568 South Bossett Road. I'm in that Mulder Drain area. I've got some rental houses over there and I'm starting to see some flooding, more than I've ever seen before, in the last six months and I'm almost thinking that something is being manipulated. I don't know if it's engineering or whatever. Something is happening, bringing this water level up for no reason. We had a draught, we still had a water level. That should have wiped it out and dried everything up. It didn't do it.

I know what the road commission guy what he said, but I don't have a whole lot of credibility with the
road commission. They did some things that I haven't been real happy with, so--

And one more thing, this charging the Moorland Township residents for all this -- all this drain work that's going to be done is totally wrong. You know, everybody else can drive on our roads in Moorland Township and not pay anything, all on our roads, but we -- we have to pay for all the drains for these -- the people that can come in and do whatever they want in our territory is wrong. The whole Muskegon County should help us pay for Moorland Township's problems with the drain, and you're putting it all on us and this is totally wrong. Everybody benefits, even you guys in Muskegon County or wherever you're from, even the State of Michigan. So that's got to be changed and we shouldn't have to pay the whole thing.

MS. JUDY MARCINKOWSKI: Thank you, Tim. We have Rose next. And after Rose is Maureen Hogan.

MS. ROSE Spoelman: I'm Rose Spoelman. I do not live in the Black Creek Drain District but I do live in the Eastland Drain District. I'm the clerk for Moorland Township. Our residents--

MR. DON MUNSKI: Are you speaking for Moorland Township?

MS. ROSE Spoelman: I'm speaking-- Yes, I'm speaking as the clerk for Moorland Township and a resident
of Moorland Township.

MR. DON MUNSKI: Okay. Thank you.

MS. ROSE SPOELMAN: Our residents have been hit with these outrageous assessments. You know, you always talk about benefit, what benefit do they get in the drain code. They will not get any benefit from this. We have more than 60 percent of Black Creek in our township. What benefit does our residents get with that? We get the highest amount of assessments and the lowest amount of work and it's wrong. So if you decide to do this, I want to see what benefit it's going to bring to our residents.

MR. DON MUNSKI: Thank you.

MS. JUDY MARCINKOWSKI: After Maureen is Tom Crandall, Thomas.

MS. ROSE SPOELMAN: Pull it down, Maureen.

MS. MAUREEN HOGAN: I'm Maureen Hogan. I live at 11591 East Laketon and I'm in the Black Creek Watershed. I will tell you right now, I will not see one benefit from that and I'm going to be paying for it. Just as Tim said, all of Muskegon County residents are benefitting from this water drainage problem, then all of Muskegon residents should be charged for this, not just Moorland Township residents. We do not see the benefit that's going to come from any of that.

We did not see any benefit from the -- from
the -- what Brenda has already done. All we've seen is the
cost. Our roads are still nothing but mud, our ditches
don't drain right. Rose has a creek in her yard. None of
our residents get a benefit from all this that Brenda is
doing.

And I thought Brenda, you made the statement
you were just going to -- there was something missed in the
-- in the -- in this Black Creek Drain. This wasn't really
a meeting to add anything, but just inform people that
something was missed originally. Isn't that what you made
the statement to people? I'm sorry, but no. There is no
credibility with the drain commissioner in Moorland
Township.

MR. TOM CRANDALL: Hello. I'm Tom Crandall.
I live at 1788 South Maple Island Road. I live just to the
north of the area in question, been there since 1976. That
is a natural low area. It's always had water problems,
especially in the spring. There's no place for it to
drain. I don't even know why I'm in the drainage district.
It sure as hell don't drain into Black Creek. We're not
talking about drain maintenance. We're talking about
putting in a new drain. So why would we be draining
natural wetland? If I do that, I go to jail. But you're
asking me to pay to drain a swamp. If you're going to live
in a swamp, I have no problem with that, but build your
house high. You don't have water in your yard. We're not talking about maintenance here, we're talking about putting in a new drain to connect with the existing ones, and I don't think that's part of the agenda.

MS. JUDY MARCINKOWSKI: Next up is Melissa Dellinger.

MS. BRENDA MOORE: Anybody else want a card?

MS. MELISSA DELINGER: Thank you. My name is Melissa Dellinger, 7407 Evanston. And I hope that you hold another meeting so people can voice what they want to voice. I would like to say that I've had basement flooding. I've had to take out my toilet in the basement and plug it so water doesn't come up. When I first moved there, it's probably been I think been 10 years. The first 3, 4 years, we had no water standing. This is a recent thing happening, and I do mean the water table has rose.

In the summer on certain days, you can smell raw sewage in my yard coming up through the ground. The mosquitoes are terrible. And the only other thing that I want to say is you had mentioned like basic maintenance and I understand that. I used to live in Ottawa County. When my ditches were filled with water, I picked up the phone, called the road commission, they came and dug. That was part of my taxes, that paid for that. I have made that phone call here and gotten laughed at, and there is no
basic maintenance here. There is none being done and I think they need to do that. It's -- to me, it's worth a try. It might help us out. But thank you for your time.

MS. JUDY MARCINKOWSKI: Thanks, Melissa. We have a couple more cards that have come in. We have Karen Skuse. And after Karen will be Erik Griswold.

MS. KAREN SKUSE: My name is Karen Skuse, 1568 South Bossett Road. And I just have a comment. I've just been listening to everybody. I do have an observation that a year or so ago on Moorland just north of Sherman, there is a drain that goes under there. I have it circled and I can't find it. And there was a -- there had developed a dip in the road. And we come down that road quite a bit and we noticed that there was a dip and it was progressively getting worse. And we thought, boy, if a motorcycle hit that, a person could be killed. So they did fix that, but there is a drain that went under there. And now I'm thinking that that would definitely be involving the public health. It looks like maybe it's in the McSorely Branch. It looks like it goes under there, but I was glad that was fixed because that could have been tragic if a car had gone and someone was killed.

But just listening to everything, this just sounds like a bad case of atherosclerosis that has been developing over a period of time. And we eat junk food and
then years later we end up with heart disease and we try to
fix everything all at once and we have these huge medical
bills. And it looks like a system failure that's happened
because preventative maintenance should have been
implemented in the initial installation of these drains
years ago. And it sounds like it's a great idea to put all
these drains in, but there was nothing to go along with it,
and so now it's a big scramble because, guess what, our
arteries are plugged and we only have a few people now that
it looks like--

It reminds me of a teacher who has this big
test coming up. We got this group of kids over here that
haven't studied and it's been weeks. They've had weeks to
take care of this test. And then over here we've got a kid
who has studied, done his homework, and when the exam comes
he gets the A. These kids fail. But the teacher says:
Well, you know what? I'm going to fix this. You all pass.
You don't fail, but you don't get the A, but your A is
going to take care of your grades.

And so this kind of reminds me of that kind of
a system where everybody -- you know, people who don't have
to -- have to pay for the money have done nothing. And I
would say it looks like all the Mona Lake people and all
the people benefit here from the guy who has done the A
work, which is the people who are struggling now with this
thing, which started really with poor planning way back from the very beginning. So this is just a big fallout of I think a bigger failure which is now all coming home to roost.

Thank you.

MR. DON MUNSKI: You're welcome.

MS. JUDY MARCINKOWSKI: Thank you. All right.

Erik.

MR. ERIK GRISWOLD: Hello. My name is Erik Griswold. I live on 2102 South Maple Island. We bought our house about 10 months ago, knowing full well it was going to flood. Water is up to four feet up there. Bought a sump pump. I ran all the way to the back of my property line about 35, 40 feet. Started pumping out there right when the snow started melting. Ran it right to my -- middle of my backyard, pretty much made my backyard nothing. My front yard, our house is lower than our road so our whole front driveway we have flooded after a rain. It would be awesome to have -- just to run my sump pump into a drainage field and not to have a problem again.

Thank you.

MS. JUDY MARCINKOWSKI: Thank you, Erik. Is that all the public comment? Chair?

MR. DON MUNSKI: No other public comment? The public comment section is closed.
MR. GARY FOSTER: Can I get one more?

MR. DON MUNSKI: Okay.

MS. JUDY MARCINKOWSKI: Thank you. Gary Foster.

MR. GARY FOSTER: Gary Foster, county commissioner, District 7, your guys' commissioner. And I'm here tonight because I don't agree with how this has happened. I agreed the drain might have to happen. I've heard a few people say they have problems, let's fix it, but I don't think we can tax these people that much. I know we can't. I've got 35 phone calls in 3 days. That's not good. You got township supervisors of boards here, but they know their residents can't pay this.

So I'm asking you, Brenda, can you put this off and look for grants? If this Board says yes, can you wait and look for different moneys? Is it possible? I don't want you to stop your Board, but if they say yes, is there a way to look for other ways to finance this.

MS. BRENDA MOORE: Can I answer that?

MR. DON MUNSKI: Please do.

MS. BRENDA MOORE: There are alternates or grants and I'll certainly pursue everything we can to bring money in.

MR. GARY FOSTER: So if this Board says yes, can you give it six months and look for that and report
back to this township, because you're going to hurt these
people. 40, 50, $60 a month is a lot of money for a person
on $1,000 income.

MS. BRENDA MOORE: Understood.

MR. GARY FOSTER: That's all I want to say.

MR. DON MUNSKI: Thank you. Any further
public comments?

MS. BILLIE PICKLESIMER: May I just say one
more thing? I started in talking about taxes, a lot of--

MS. JUDY MARCINKOWSKI: You got to come up.

MR. DON MUNSKI: Please come to the
microphone.

MS. JUDY MARCINKOWSKI: State your name once
again, please.

MS. BILLIE PICKLESIMER: Billie Picklesimer.

And I am an elderly person. I live on a set income. Every
year, my taxes -- my property taxes are going up, every
year. Every time you go to the grocery store, they're
going up. Eventually, if something isn't done--

MR. DON MUNSKI: Billie, I don't mean to be
rude, but this is a Board of Determination meeting. And I
understand your concerns about taxes, but that's not what
we're here to make an evaluation of.

MS. BILLIE PICKLESIMER: But it will end in
taxes if you do that.
MR. DON MUNSKI: I understand that.

MS. BILLIE PICKLESIMER: And you're -- these
things continue to go--

MR. DON MUNSKI: Just a minute. Just a
minute.

MS. BILLIE PICKLESIMER: --on, you're going to
put people out of their homes.

MR. DON MUNSKI: Billie, we haven't made a
determination yet. That's why we're here tonight to make a
determination. We could make a determination to end it
right now and there would be no further work taking place.
We haven't made that determination yet.

MS. BILLIE PICKLESIMER: I understand that.

MR. DON MUNSKI: Okay. So thank you. Any
further comments?

MR. DAN NUTT: I didn't use up my three
minutes before. I'm Dan Nutt, supervisor for Moorland.
Originally when we got the letter, I talked to Brenda, I
checked my notes, on November 21st. And this letter wasn't
very explicit--

MR. DON MUNSKI: Excuse me. You said you're
supervisor?

MR. DAN NUTT: Supervisor for Moorland.

MR. DON MUNSKI: Supervisor, are you speaking
for Moorland Township?
MR. DAN NUTT: I'm speaking on behalf of being the supervisor of a conversation with Brenda as to what this meeting was going to entail.

MR. DON MUNSKI: Okay.

MR. DAN NUTT: And she sent a letter to us, I read and highlighted it. I put two calls to her in my notes from November 21st. She guaranteed me that this was just to add a branch. First, she told me, per my notes, Mill Iron Road in 1700 to 2200 block was the scenario. Anyway, come tonight, I figured out where it was. My concern is, she told me no other projects, no other plans, and these were two phone conversations with her. And I think a lot of people here are confused. I was at least confused. We didn't realize you're talking about a new extension.

After listening to the engineer and stuff, I think she's painting a big brush where she's going to throw a whole project at you people. That's the rung here. I think most people here, at least with me and my conversations and my notes with her, very blatantly, I didn't draw these up tonight. I highlighted them and I've told people that have called and talked to me, we're only here to talk about this and not this whole thing. And after watching this gentleman's presentation, I'm thinking there's a big -- a big misunderstanding and we're going to
get the end run again from the drain commissioner.

I mean, this letter to the township could have been a lot more explicit. I shouldn't have had to call and ask her where it was, we should have been notified where it was. I went to Mill Iron Road in the 1700 to 2200 block three times trying to figure out where it was. And until tonight, I didn't know exactly where this was. And now after sitting here, I think this thing is going to -- she's wrapping her arms around a big animal.

And there's a lot of people here, they put in another subdivision, it's a couple hundred yards where these people are flooding. There's enough people there, again, that won't benefit. Take this-- I think you people need to understand or get the drain code, understand the word benefit, who is going to benefit and who is not going to benefit. And I think we've all been misled again by the fact that she's using this -- these nine people as a wedge to wrap a whole bunch more work and I think she needs to go back to the drawing board. Thank you.

MR. DON MUNSKI: Stacy?

MS. STACY HISSONG: Yep. As to the issue of a petition and what the petitioners want does not dictate what the scope of the project will be or what the scope of the Board of Determination's decision, so--

MR. DAN NUTT: So those nine people -- I mean,
not to interrupt you, what you're saying is they put a
petition to get relief.

MS. STACY HISSIONG: Yeah.

MR. DAN NUTT: And then this thing is talking
about doing drains over the whole thing.

MS. STACY HISSIONG: No. This is giving-- So
regardless of where you live in the district, you start the
process when you petition for the potential for work in the
entire drainage district on any portion of the drain. So
-- so let me finish to explain. So under the drain code,
it doesn't matter who petitions or what they want, it
starts the process. So regardless of what the petitioners
want or don't want, the decision of necessity is as to the
entirety of the drain, the entire course of the drain.

So when the engineer -- so what the engineer
provided was an initial assessment of many parts of the
drain for the very purpose of not misleading you that just
because of what the petition wanted doesn't mean that that
might be what the project entails. We heard a lot of
people talk today if it's necessary that they don't want to
pay for work that wasn't in their part of the drainage
district. We don't know what work will be where yet
because the engineers haven't looked at that. So it's
exact opposite, the report of the condition of the entire
drain was to ensure that everybody who participated today
understood that a project may or may not be, if it's found necessary, in one specific area.

The petition would allow work on any portion of the -- of the drain of Black Creek Consolidated Drain. And if you ask Brenda now, she's not going to be able to tell you what that may or may not be because a decision of necessity hasn't happened. And as the engineer repeatedly told you, they haven't engineered a project yet. And so if this is determined necessary, engineers will get started on that and then there will be an opportunity to know what the scope of the project was and not until then, if it's determined necessary.

UNIDENTIFIED SPEAKER: Can I ask a question?

UNIDENTIFIED SPEAKER: I've got--

MR. DON MUNSKI: We have to-- You opened up Pandora's box.

MR. DAN NUTT: I guess I'm just asking you guys--

MR. DON MUNSKI: You can come--

MR. DAN NUTT: --as a Board, when you come in here and you heard people talking and you talk about nine people on the petition, I mean everybody gets zeroed in on that. And then listening to the attorney again, now we're talking the whole district again. To me, there -- this commingling this whole thing. I mean, I may be wrong, but
maybe I'm bull headed or whatever, but nine people petition to get work done and now all of the sudden we stretch this to potential work? I think this whole thing is blown out of proportion here. I mean, if you guys are going to determine, are you going to determine the work doesn't need to be done to the petition that the people originally had or are we looking at the whole district?

MR. DON MUNSKI: Just to reiterate what Stacy said is--

MR. DAN NUTT: I was asking you guys, not the attorney.

MR. DON MUNSKI: Well, but she's our counsel and she-- Well, my understanding is that the drain code says that the drain code contains the right to petition. The petitioner petitions on some specific problem they observe, but that specific problem isn't a drain, drainage area in the drain district. And so what we have to do is look at the entire drain district, not just what they-- what they requested not just in the petition.

MS. STACY HISSONG: A Board of Determination cannot -- in finding necessity can not limit what the drain commissioner can or cannot do. There's a Court of Appeals opinion that specifically states that. The petition starts the due process -- process of going through a Board of Determination and it's not just what a petitioner wants.
We heard property owners who didn't petition who also might have problems. If there's a decision of necessity, it's the drain commissioner's responsibility to look at the entirety of the drain and then determine based on a number of different factors what the scope of the project should be.

MS. ROSE SPOELMAN: So what you're saying is that the meeting tonight -- all you're doing tonight is saying--

MR. DON MUNSKI: Please, okay, hold it. Just stop a minute. If you have a comment, please return to the microphone, state your name and your address and then make your comment, please.

MS. ROSE SPOELMAN: Rose Spoelman, 12434 East Laketon Avenue, Moorland. I'm a Moorland resident and the Moorland Township clerk. By you or the group saying that this is going to cause public health issues if this isn't taken care of, you guys better understand there's 52 miles of Black Creek. She could assess up to $5,000 per mile, is that correct, for maintenance?

MS. STACY HISSONG: Without a petition, there can be work performed up to $5,000 per mile of drain per year without a petition. With the petition, that number is nullified.

MS. ROSE SPOELMAN: Okay. She already -- I
think she already used her limit on that. I could be wrong, but I'm just saying. What I -- what I don't understand is this Filter Marsh thing. They got a million dollar grant for it. It does not work. Okay.

MR. DON MUNSKI: I'm sorry. What marsh?

MS. ROSE SPOELMAN: It's the marsh inside the wastewater.

MR. DON MUNSKI: Is that--

UNIDENTIFIED SPEAKER: Duck pond. Duck pond

MS. ROSE SPOELMAN: They got a million dollar grant, a million dollars, and it does not work.

MR. DON MUNSKI: Is that -- is that marsh that you're speaking of in the drainage district?

MS. ROSE SPOELMAN: Yes. Yes.

MR. DON MUNSKI: Okay.

MS. ROSE SPOELMAN: So you have all this other problems going on and, like I told you before, Moorland residents pay the majority of this bill. The Moorland residents pay the majority for Mona Lake to get cleaned up because of the farmer's phosphates going downstream, but they forgot about the onion field on Getty Street. So before you make your determination, you better think clearly on the public issue, public health issue that you say you need to find if there is one. Look at Moorland Township's public health issue.
MR. DON MUNSKI: Thank you.

MS. MELISSA DELINGER: Hi again. Melissa Dellinger, Evanston. Okay. Just to be clear, this meeting tonight is to determine if there is health issues for you guys to go through. What is the next step? What is the next step after this meeting?

MR. DON MUNSKI: Actually much more than public health.

MS. MELISSA DELINGER: Right. All the things that she listed before.

MR. DON MUNSKI: Right.

MS. MELISSA DELINGER: Okay. If you-- Let's say you determine that there is a need. What happens next?

UNIDENTIFIED SPEAKER: Right on that board right there.

MR. DON MUNSKI: So if the project is found necessary--

MS. MELISSA DELINGER: Okay. Can it be stopped at any point after -- if you guys say yes, there is a need for this, can it be stopped once you -- if you voted it through?

UNIDENTIFIED SPEAKER: You have to file a suit in court to stop anything if they say--

MR. DON MUNSKI: There's an appeal process.

MS. STACY HISSONG: There's a process to
abandon a petition in the drain code.

    MS. MELISSA DELLINGER: Okay. So because what I'm hearing is if this goes through, I think it's important that part of the next step possibly be where we have a town meeting and everybody can come and voice what a lot of people have voiced here tonight.

    UNIDENTIFIED SPEAKER: We're doing that now.

    MS. MELISSA DELLINGER: I know, but this is-- What they're telling us is that this is not the place or the time to voice those thoughts. This is the place and time to voice health issues for them to make a decision. Because I've heard two health issues tonight, mine and this other gal, yours, about the sewage and the smell and the flooding and, you know, plugging my toilet up. And personally, I don't think it's going to go through on just two people. But if it does go through, I think it's important that we have another meeting and talk about who is responsible to pay and like we talked about the grants.

    And then somebody has just mentioned we got a million dollar grant and, from what I'm hearing, we basically flushed it down the toilet. Does that wreck our changes of getting more grants because we don't know how to handle grant money? I mean, you know, I don't know how these things work. But to me, I think we have -- need to have more meetings for the public to be able to voice
things that seem to be important to them and I don't feel like they feel like they're being heard or listened to. Thank you.

MR. MARK EVANS: One point of clarification. Point of clarification. I'm for--

MS. JUDY MARCINKOWSKI: Name. Got to give your name.

MR. MARK EVANS: Mark Evans, still -- I still live at 1899 Barnes Road. Just for clarification, you said if these people petition for just one project but that opens up the whole district for work because nine people -- and can be charged an indefinite amount. The $5,000 limit doesn't apply, so we can be charged because those nine people, after -- for this project, we can all be charged an unlimited amount per mile per grant. Correct?

MS. STACY HISSONG: Yeah. The drain commissioner will look at the scope of the project and there is no $5,000 limitation, that's correct.

MS. ROSE SPOELMAN: Sky's the limit. Sky's the limit.

UNIDENTIFIED SPEAKER: Blank check. They're going to give us a blank check.

MS. JUDY MARCINKOWSKI: All right. The court reporter has to keep a record of what people are saying, so if we could keep the limits to the public testimony. Thank
you.

MS. SHARON BARTELS: Sharon Bartels, Moorland Township. I just have a question on that petition to stop the project. Is there a time limit on that? Is that 10 days?

MS. STACY HISSONG: There's no petition to stop a project. So there's a procedure to abandon a petition that is found necessary if -- and it takes -- it has to wait five years from the abandonment under the drain code. If the Board of Determination makes a decision, and we'll go through the appeal procedures later, that's part of the agenda but I'll cover it now for you if that's agreeable with the Board.

MR. DON MUNSKI: Please.

MS. STACY HISSONG: Regardless if the decision is necessity or no necessity, anyone has the ability to appeal that decision to circuit court. Circuit court will review the record and see if your determination was based on competent material and substantial evidence.

MS. SHARON BARTELS: Is there a time limit on doing that?

MS. STACY HISSONG: There is. That's 10 days.

MS. SHARON BARTELS: That's 10 days.

MS. JUDY MARCINKOWSKI: All right. Glenn, you're up. Glenn just gave me his little card and see what
Glenn has to say.

MR. GLENN FIDGE: Hi. I'm Glen Fidge. I live at 12547 Bailey Road, Moorland Township. I've been there since '89.

First thing I would like to know, has there been previous projects and spent money to solve this issue, did it work? Second of all, has there been maintenance done on the surrounding drains for this area that would have solved this problem if maintenance was done?

MS. BRENDA MOORE: I didn't hear the last thing. I don't know if you want to me to respond to that.

MR. GLENN FIDGE: I said-- There we go. That is probably a lot better. Has there been previous projects that addressed these problems that failed not to solve this problem? And the other one was has there been maintenance done on the surrounding drains that may have solved this problem if the maintenance hasn't been done?

MS. BRENDA MOORE: Would you like me to answer that?

MR. DON MUNSKI: Let me try and answer that, because what we're -- we're not doing is we're not authorizing a project here.

MR. GLENN FIDGE: Right.

MR. DON MUNSKI: So all we're authorizing -- all we're determining is whether or not maintenance and
improvement is necessary and conducive to public health, convenience and welfare. That's all we're doing right now. And the project part of it comes back, if we say that it is, then there is -- then there is a resulting project. If we say no, there's not, that ends it. So as far as the--

MR. GLENN FRIDGE: So these two questions are for later on, they're not for this part of the petition.

MR. DON MUNSKI: Right. Really, they're for later on.

MR. GLENN FRIDGE: All right.

UNIDENTIFIED SPEAKER: Good question, though.

MR. TIM SKUSE: Tim Skuse, 1568 Bossett, South Bossett Road. Yeah, we were talking about that duck pond and the wastewater. It's like a beaver dam. If you raise the water and then wastewater, as a beaver would do, then it floods back and that's what's happening with Moorland Township, part of the drains that are connected to that -- to the wastewater on the south side. This is what I believe. This is my opinion.

And the drain commissioner should check that out, that could be part of it, a major part of our problem, because this is what's happening in the last year, I've seen the levels go up and they really didn't come down. I didn't know about this beaver pond over there in wastewater on the south side, so but I just got verification from
other people that could be one part of the problem.
Instead of putting a ton of money into it like the
engineers want to do, maybe they should drain that swamp
over there and see what happens to Moorland Township and
save us a lot of money, but yet continue the maintenance on
the drains, and I didn't think they were that bad.
Something is happening in the last year, that's all I got
to say.

MR. DON MUNSKI: Okay. Any more public
comment? If not, then we'll close public comment and we'll
move on to the determination section.

MS. JUDY MARCINKOWSKI: Did we need to--
MR. DON MUNSKI: I think that would be wise.
MS. JUDY MARCINKOWSKI: I hope I pronounce the
name correctly. Rodney Aubert?
MR. RODNEY AUBERT: Yeah.
MS. JUDY MARCINKOWSKI: Did I pronounce your
name right?
MR. RODNEY AUBERT: Yep.
MS. JUDY MARCINKOWSKI: Rodney, let me see how
many pages. One, two, three -- gave us five pages of
photographs that I'd like to submit into our--
MR. DON MUNSKI: Into the record.
MR. RODNEY AUBERT: Brenda has a lot more
pictures on her camera, because the engineer come out and
took a lot of pictures.

MS. JUDY MARCINKOWSKI: This is what you've given to us tonight to review, so this is what we have to enter and what we have hand's on.

MR. RODNEY AUBERT: Most of my problem is the neighbor's have a dam on their property and that's what's -- that's what--

MS. JUDY MARCINKOWSKI: Thank you.

MR. DON MUNSKI: So the motion is--

UNIDENTIFIED SPEAKER: Did you just hear what he said? Most of his problems is caused because the neighbor put a dam on the neighbor's property.

MR. DON MUNSKI: We heard that.

UNIDENTIFIED SPEAKER: Doesn't sound like a public issue to me.

MR. DON MUNSKI: Once again, I return to what our purpose is tonight and our purpose is not to engineer the project, our purpose is not to determine whether or not someone has built a dam illegally. Our purpose is to review the presentation and make a determination whether maintenance and improvement is necessary and conducive to public health, convenience or welfare. And so I've adjourned the public comments sections and now we're going to move on to that determination.

MS. STACY HISSONG: I think at this point, if
each Board member would like to comment on the evidence they heard today or provide comments. And then after each Board member makes comments then there can be a motion as to necessity or no necessity.

MR. DON MUNSKI: Would you like to make a comment?

MS. JUDY MARCINKOWSKI: I certainly can.

MR. DON MUNSKI: Okay.

MS. JUDY MARCINKOWSKI: I appreciate everyone who has come out here and spoke tonight. I know this is very difficult, both those who are suffering with the water, on whatever level that would be, a little or a lot, and also how it could financially impact if we go through with this decision and with the Drain Commissioner's office and the engineers, how they could potentially fix this.

I listened to the letter from the county road commission. I believe he's an expert in his field or he would not be working in that position. I have to respect what he says, and he says his principle concerns with the drainage system over the years have impacted several structures as county roads in a negative way. There is a problem.

There have been approximately 21 people who spoke here tonight, and there were about 46 people that I counted in attendance, might have gone up to 50. I might
have missed a few, but 21 people have spoken. Out of those 21, 10 addressed the process of this -- how this comes about and the issue of cost. Didn't really say whether they felt they were impacted by the water or not. Some of them said yes, there was a problem but they were more concerned with the process of how this was happening and the cost. 11 did express issues with the water, how it impacts them, so that is over half of who spoke. I listened carefully. And as a taxpayer in my own township, I don't know how I would feel if this was presented to me. But sitting up here on this Board, I'm trying very hard to be objective and listen to all sides.

What Don has said and Stacy, it is our function to determine whether the maintenance and improvement of the drain is necessary and conducive to public health, convenience or welfare and whether the maintenance and improvement is necessary for the protection of public health of the affected municipalities. It's not for us to say how that's to be done.

So I'm going to do my best to interpret what we're supposed to do based on what I've heard here tonight, what has been presented by Ryan and also the letter from the county road commission.

MS. WENDY BLOEM: I agree with Judy. I do understand the problem with limited income and higher
taxes, but I do realize that there's people out there that are dealing with this high water and there is health issues when it comes to the high water table. There's breeding of mosquitoes, the sewer issue. I'm sure that you don't have public sewer. So it's a hard decision. I have listened to everything. I do-- I know I've dealt with Paul Bouman and I do know that he is good at what he does, so his letter, I am going to take a good look at that and try to make an objective decision.

MR. DON MUNSKI: Thank you. In reviewing the -- in reviewing the presentation, there -- the preliminary work was never performed and this is why -- this is the preliminary work to give us information as to -- to make our decision on. And so they review the conditions throughout the drain. There were several landowner issues and complaints. The engineer mentioned that there are people that had problems with basement flooding and some people had testimony here with problems with standing water in their yards, so that's where we've been presented with this information. In the presentation, there's reported basement flooding in one of the areas and there's one of the other areas where there's no outlet for the surface water, so that gives us some -- that gives us information to make our decision. So we have -- and you've presented some information, your testimony, regarding what the
conditions are on your property or on property that you
observed in the area.

MS. STACY HISSONG: At this time, I think
somebody can make a motion, if they want.

MR. DON MUNSKI: Do we have any more
discussion or any questions for the engineer?

MR. STEVE VAN HOEVEN: I have a question for
the engineer. I'm know I'm the alternate. I'm Steve
VanHoeven. But there was a question that one person asked,
I think it was Ann-- I don't know if I have that right.
--about the impacts of the wastewater area or the duck pond
on the water table. Did you do any research on that? Do
you have any answer for that person that asked that
question?

MR. RYAN McENHILL: No. And at this time, I
don't have any information on that duck pond. What we do
know is that the -- and I don't know if Dan has any
information on that that he would like to speak to, but our
understanding of the wastewater treatment facility is that
they have their own internal drainage system with one
outlet, it's Mosquito Creek. I do believe that this -- and
I believe this Filter Marsh is a part of the Black Creek
Consolidated System. But to the effectiveness of that
system, I'm -- I don't have any knowledge of that.

MR. STEVE VAN HOEVEN: Okay. And I'm also
noting that -- and I might have more information here than what people out in the stands have, but we have a copy of the petition and there's nine signers, and they're all from the area of -- that was mapped previously, where they wanted the branch added. Did any of those people speak? I didn't catch that.

MR. DON MUNSKI: Yes.

MS. WENDY BLOEM: Yes, two did.

MR. STEVE VAN HOEVEN: One of the petitioners spoke?

MS. STACY HISSONG: I believe Erik Griswold was one of the petition signers--

MS. WENDY BLOEM: Yes.

MR. STEVEN VAN HOEVEN: Okay.

MS. STACY HISSONG: --who talked about-- He was one of the people who filled out a card at the last minute. He was wearing a gray hoody sweatshirt and jeans.

MS. JUDY MARCINKOWSKI: He had four foot of flooding.

MS. WENDY BLOEM: Yes.

MR. STEVE VAN HOEVEN: Okay. And I understand the concept of when a petition is signed like this for a branch that it does make it necessary for the whole drain to be involved. Certainly impacts a new branch, for example, could have positive or negative impacts on the
rest of the drain code, so I think it's important that everybody was invited to this hearing. And of course once you come to the hearing from anywhere in the drainage district then you have a chance to speak about what other problems you see, and that leads to some of these other issues that have come up about maintenance and various locations in the drainage district, and then you end up with more issues involved than what the petitioners really intend the petition to address. So I think that that's an interesting process, but it is part of what happens in meetings like this.

The other thing that I think is important to note-- Sorry, Don. Going on a little bit more.

MR. DON MUNSKI: Go ahead.

MR. STEVE VAN HOEVEN: --is that there was a number of expensive items addressed by the road commission, the Muskegon County Road Commission. And then also you've got the issue that keeps coming up about this new branch, and so cost from those areas are -- are going to be unique to the road commission and the people that are in the area of the branch. And I think you understand, and if you don't, that it's up to the drain commissioner that you've elected recently to apportion those costs appropriately and you have to rely on her to do that.

And if I were sitting where you're sitting, I
would be thinking that certain people have asked for improvements, the road commission or the people that petitioned for the branch, and costs can be allocated by your drain commissioner to take into account who is benefitting, and you have to count on her to do that for you. I have confidence that she can do that and I hope that you do, too.

As far as necessity, I don't get to vote on that. But in my opinion, I think we've heard enough testimony for me to say that I think that a project is necessary, but I can't make that motion. And I'll stop with that.

MR. DON MUNSKI: Members of the Board, you want to make a motion -- anybody want to make a motion?

MS. JUDY MARCINKOWSKI: I will make the motion that the proposed maintenance and improvement of the Black Creek Consolidated Drain is necessary. I'm so sorry. I'll start again.

I would like to-- I, Judy, would like to make a motion that the proposed maintenance and improvement of the Black Creek Consolidated Drain is necessary and conducive to the public health, convenience or welfare.

MR. DON MUNSKI: Do I have a second for that motion?

MS. WENDY BLOEM: Yes, I will second that.
MR. DON MUNSKI: Then call for a vote. And all those in favor, signify by saying aye.

MS. JUDY MARCINKOWSKI: Aye.

MR. DON MUNSKI: Aye.

MS. WENDY BLOEM: Aye.

MR. MUNSKI: Those opposed, say nay.

(Whereupon, no response.)

MR. DON MUNSKI: The motion passes. The next motion should be a decision as to at large assessments from municipalities. And do I hear a motion for that?

MS. JUDY MARCINKOWSKI: I'll make the motion. I, Judy, make a motion that the proposed maintenance and improvement of the Black Creek Consolidated Drain is necessary for the protection of public health and that a portion of the cost should be assessed to Casnovia, Egelston, Moorland and Ravenna Townships at large.

MR. DON MUNSKI: Do I hear a second?

MS. WENDY BLOEM: I will second.

MR. DON MUNSKI: Any discussion?

(Whereupon, no response.)

MR. DON MUNSKI: There is no discussion. Move on to the vote. All those in favor, signify by saying yes.

MS. JUDY MARCINKOWSKI: Yes.

MR. DON MUNSKI: Yes.

MS. WENDY BLOEM: Yes.
MR. DON MUNSKI: Those opposed by saying no.

(Whereupon, no response.)

MR. DON MUNSKI: The motion passes. And moving on with the next item in the agenda is the appeal process, if you could discuss that.

MS. STACY HISSONG: Any person who disagrees with the determination of necessity may file an action in circuit court for Muskegon County within 10 days. Then there is an additional opportunity to appeal by the townships in the event that they wish to appeal the determination of public health and receive an at large assessment, and that's within 20 days from notice of that determination to probate court.

MR. DON MUNSKI: As we completed all the items on the agenda, do I hear a motion to adjourn?

MS. JUDY MARCINKOWSKI: I would be happy to make that motion that we adjourn this meeting.

MR. DON MUNSKI: Motion has been made to adjourn the meeting. Is there a second?

MS. WENDY BLOEM: I'll second.

MR. DON MUNSKI: There's a second. All those in favor of adjourning the meeting, signify by saying yes.

MS. WENDY BLOEM: Yes.

MS. JUDY MARCINKOWSKI: Yes.

MR. DON MUNSKI: Yes. All those opposed,
signify by saying no.

(Whereupon, no response.)

MR. DON MUNSKI: The motion passes. The meeting is adjourned.

(Whereupon, meeting concluded at 8:51 P.M.)

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

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

I further certify that 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 15th day of December, 2016.

______________________________  
Michelle M. McKee, CSR-3841  
Notary Public, Muskegon County, Michigan  
My commission expires June 7, 2021
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cast [1] - 15:3
awesome [1] - 62:19
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Black Creek Consolidated Drain
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