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STATE OF MICHIGAN  
OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

IN THE MATTER OF:  
Holland Drain

Board of Determination for  
Holland Drain

May 23, 2018  
6:31 P.M.

Cardinal Elementary School  
2310 Marquette  
Muskegon, Michigan

Board of Determination:  
Mr. Steve VanHoeven (chairman)  
Ms. Judy Marcinkowski (secretary)  
Mr. Val Jensen, II  
Ms. Tracy Korthase (alternate)

Engineer:  
Dan Fredricks

RECORDED BY: Michelle M. McKee, CSR 3841  
Certified Shorthand Reporter

1 MS. BRENDA MOORE: Good evening.

2 MS. STACY HISSONG: There is a microphone.

3 MS. BRENDA MOORE: Good evening, everyone.

4 Thank you very much for coming out tonight, and  
5 especially thank you for coming from one facility to  
6 the other. We realize this was online on Facebook  
7 and there was a lot of hub bub, so we thought we  
8 better move it to a bigger spot so we're not shoulder  
9 to shoulder, so hopefully everybody made it over  
10 okay. And again, we appreciate you making the  
11 effort.

12 I hope you can hear. My allergies are  
13 kind of -- Hopefully you'll be able to hear. I'm  
14 Brenda Moore. I'm the county drain commissioner.  
15 Ms. Barrett is our deputy drain commissioner. This  
16 is our Board of Determination, Tracy Korthase, Val  
17 Jensen, Steve VanHoeven and Judy Marcinkowski. These  
18 are citizens of the county. They can't live in the  
19 district. They can't live in the communities that  
20 are affected by this and they're -- they're  
21 impartial. They're going to listen to you, they're  
22 going to listen to the engineer, and in the end  
23 tonight, they'll make some decisions. And I'll let  
24 Stacy get into that more.

25 Stacy Hissong is the attorney for the

1 district. Each district is their own corporation,  
2 and she's representing the district. Michelle McKee  
3 is actually our court reporter. She takes this down  
4 verbatim. So if you want to go back and look at the  
5 record, we usually post it within a week or so. And  
6 then Dan Fredricks is the project engineer. He will  
7 be giving a report. When we get a petition, we're  
8 obligated to start this public process, this hearing  
9 process, and it involves an engineer who goes out and  
10 inspects the site.

11 So what I need to do is administer the  
12 oath for the Board of Determination and we'll turn it  
13 over to Ms. Hissong.

14 Would you all raise your right hands,  
15 please. Do you each solemnly swear that you will  
16 faithfully perform and discharge the duties imposed  
17 upon you as required by law as members of the Board  
18 of Determination appointed by the Muskegon County  
19 Drain Commissioner to determine the necessity for  
20 maintenance and improvement of the Holland Drain  
21 located in Egelston, Muskegon Charter Township and  
22 City of Muskegon in said county?

23 MS. JUDY MARCINKOWSKI: Yes.

24 MR. STEVE VAN HOEVEN: Yes.

25 MR. VAL JENSEN: Yes.

1 MS. TRACY KORTHASE: Yes.

2 MS. BRENDA MOORE: Do you each affirm that  
3 you are land owners and residents of Muskegon County  
4 but do not own lands or reside in Egelston Township,  
5 Muskegon Charter Township or the City of Muskegon?

6 MR. STEVE VAN HOEVEN: Yes, I do.

7 MS. JUDY MARCINKOWSKI: Yes.

8 MR. VAL JENSEN: Yes.

9 MS. TRACY KORTHASE: Yes.

10 MS. BRENDA MOORE: Thank you very much.  
11 Would you please sign this (indicating)?

12 MS. STACY HISSONG: And then election  
13 first.

14 MS. BRENDA MOORE: I'm going to let you --  
15 Thank you.

16 MS. STACY HISSONG: Now on the agenda is  
17 the election of officers.

18 MS. JUDY MARCINKOWSKI: Where do we sign?

19 MR. STEVE VAN HOEVEN: Would you --  
20 Somebody like to make a motion?

21 MS. JUDY MARCINKOWSKI: I'll make a --  
22 I'll make a motion that we elect Steve VanHoeven as  
23 chair tonight.

24 MR. VAL JENSEN: I will second that.

25 MR. STEVE VAN HOEVEN: All in favor, say

1 aye.

2 MS. JUDY MARCINKOWSKI: Aye.

3 MR. VAL JENSEN: Aye.

4 MR. STEVE VAN HOEVEN: Aye. I'll make a  
5 motion that Val -- excuse me, that Judy Mar --

6 MS. JUDY MARCINKOWSKI: Marcinkowski.

7 MR. STEVE VAN HOEVEN: -- Marcinkowski be  
8 the secretary. Is there support for that?

9 MR. VAL JENSEN: I will second that.

10 MR. STEVE VAN HOEVEN: Any discussion? If  
11 not, all in favor, say aye.

12 MS. JUDY MARCINKOWSKI: Aye.

13 MR. VAL JENSEN: Aye.

14 MR. STEVE VAN HOEVEN: Aye. May I proceed  
15 with rules of public comment?

16 Okay. We've all had an opportunity when  
17 we came in to sign public comment cards and you  
18 should have turned them in by now. If not, if you  
19 want to bring them up front and turn those in, that  
20 will control who has the opportunity to come up and  
21 speak in the microphone. So if there's anybody that  
22 has a public comment card or would like a public  
23 comment card to be able to talk tonight, those are  
24 the people that are going to get the opportunity to  
25 speak.

1                   With that, we have quite a crowd tonight  
2                   and it would not be possible to let everybody speak  
3                   as long as they want, so I'm going to start out by  
4                   making a motion that we put an approximate  
5                   three-minute limit on people's opportunity to speak.  
6                   Is there support for that?

7                   MS. JUDY MARCINKOWSKI:   Support.

8                   MR. STEVE VAN HOEVEN:   Any discussion?

9                   UNIDENTIFIED SPEAKER:   I request you make  
10                  it five.

11                  MR. STEVE VAN HOEVEN:   I guess my -- the  
12                  way that I worded it, it's approximately three  
13                  minutes.  If you got something relevant to say, I  
14                  don't think that any Board member will have a problem  
15                  with listening to your entire comment.

16                  Anybody want to say different than three  
17                  minutes here?

18                  (Whereupon, no response.)

19                  MR. STEVE VAN HOEVEN:   If not, all in  
20                  support of the motion --

21                  MS. JUDY MARCINKOWSKI:   Aye.

22                  MR. STEVE VAN HOEVEN:   -- say aye.

23                  MR. VAL JENSEN:   Aye.

24                  MR. STEVE VAN HOEVEN:   Aye.  Okay.  Now  
25                  we're going to go over the role of the Board.  And

1 I'll turn over the microphone to Stacy.

2 MS. STACY HISSONG: Good evening. My name  
3 is Stacy Hissong. I'm the attorney for the drainage  
4 district. And we have one microphone tonight, so  
5 we're going to be passing it around tonight. It's  
6 not as work -- so it will be a little awkward.

7 There's a couple things I want to go  
8 through. First of all, the location change. This  
9 meeting was originally scheduled for a different  
10 location, as I'm sure you're all aware, and that was  
11 properly posted under the Open Meetings Act. Based  
12 on the number of phone calls -- Normally, we have  
13 very low attendance at boards of determination. But  
14 based on the number of phone calls and social media  
15 with regard to tonight's meeting, it was determined  
16 that it made sense to move the meeting location to a  
17 larger meeting space to accommodate everyone. First  
18 of all, the Open Meetings Act requires that. And if  
19 we think we're going to have more people than a  
20 location requires, we need to move the meeting. And  
21 it's -- we want everybody to be comfortable and be  
22 able to be heard and to be able to hear and to see  
23 what is taking place.

24 So as a result, and thanks to the  
25 wonderful deputy drain commissioner who pulled this

1 off this morning, there was a change in location to  
2 where we are right now, approximately one mile from  
3 the original location. The deputy drain commissioner  
4 notified each municipality, provided them an amended  
5 notice and asked them to post the notice, as well as  
6 the county officials. The notice with the change in  
7 location was posted on the county website and at the  
8 drain commissioner's office. It was also posted at  
9 the original location and we had two people at the  
10 location to direct anyone who went to the original  
11 location to the new location, provided them copies of  
12 the notice and maps, if requested.

13 Also, we waited to start 15 minutes later  
14 than was originally posted because we wanted to  
15 ensure to accommodate folks who came in after the  
16 6:30 starting time to make sure that they could hear  
17 everything that was being said, and indeed we did  
18 have people come in up to this last 15 minutes and  
19 that's why we started.

20 So, a Board of Determination is required  
21 under the drain code once the drain commissioner  
22 receives a petition. So a Board of Determination is  
23 not started or this process is not started on -- you  
24 know, on the discretion of the drain commissioner.  
25 It is started when a property owner -- property

1 owners or municipality decides to petition the drain  
2 commissioner to perform maintenance/improvement on an  
3 established drain. In this case of the Holland  
4 Drain, the Holland Drain had property owners petition  
5 for maintenance and improvement. Under the drain  
6 code, when that happens, then the drain commissioner  
7 is required to hold what we're having today, which is  
8 a board of determination meeting. The purpose of a  
9 board of determination meeting is for three property  
10 owners who reside and own property in Muskegon County  
11 but do not live in any of the affected municipalities  
12 to hear evidence and testimony and then make a  
13 decision as to whether maintenance of -- and  
14 improvement of the drain is necessary and conducive  
15 to the public health, convenience or welfare. That's  
16 what the drain code requires.

17 So to explain that, they decide should the  
18 drain commissioner's office move forward with a  
19 project or not. And it's a project, not a particular  
20 project. There's no project been designed for this  
21 whatsoever. A conditioned assessment has taken place  
22 of the drain to show the Board of Determination what  
23 exists today, and the engineer is here to go over  
24 that, but there has been no design.

25 So the drain -- the Board of Determination

1 decides necessity. If there is a decision of no  
2 necessity then that ends the meeting. The meeting is  
3 adjourned and no petition can be submitted for one  
4 year from today if there is decision of no necessity.  
5 If there is a decision of necessity then the Board  
6 makes a decision as to a second question, which is  
7 whether the -- the drain is necessary for the  
8 protection of public health and that each or any of  
9 the municipalities within the drainage district  
10 should receive all or a portion of the costs of the  
11 drainage project. That vote only occurs if necessity  
12 is found in the first place.

13 What the drain -- I think more  
14 importantly, what does this drain -- or Board of  
15 Determination not decide? They do not decide what  
16 will be done. They only decide, yes, something needs  
17 to be done or, no, something does not need to be done  
18 under that necessity question and then it is up to  
19 the drain commissioner, in consultation with an  
20 engineer, to decide the specific scope of a project.  
21 The Board of Determination does not decide the cost.  
22 So the Board can't say: Yes, it is necessary but  
23 only spend \$25,000. There is, yes, necessary or no,  
24 there is no -- it should only be this part of the  
25 drain, it should only cost this much, nothing like

1           that.

2                       The other question that we get often is  
3           how much is my assessment going to be? We do not  
4           know the cost. We do not know the scope of the  
5           project, so that will not take place at this meeting.  
6           What will happen is if there is a determination of  
7           necessity, a project will be engineered. The project  
8           will be bid out and you will receive notice again in  
9           the mail, like you did today, for what's called a day  
10          of review of apportionments where you will get  
11          information with regard to the apportionment  
12          percentage at that time and what the cost of your  
13          assessment will be. That will not be known today.  
14          We don't have a guess. We're not going to guess  
15          because we simply don't know.

16                      Part of the reason of a Board of  
17          Determination, we like the engineer here not only to  
18          give the presentation but to hear from property  
19          owners who actually live there what the problems are.  
20          The project scope, if it is not -- if it is found  
21          necessary, is not limited to what the petitioners  
22          want but if other people who didn't petition have a  
23          problem, the drain commissioner can also look at  
24          those issues, as well.

25                      A couple of other items I think are

1 important. Some of you or many of the property  
2 owners who received a notice are not in the current  
3 Holland Drain Drainage District. The drain  
4 commissioner made a determination to over notice, so  
5 to speak, to provide notice to property owners  
6 outside of what is currently established, because it  
7 is likely that the drainage district boundaries will  
8 be revised through this process if it is found  
9 necessary and she wanted to ensure that everybody who  
10 has even the remote possibility of being added has an  
11 opportunity to hear the original Board of  
12 Determination information.

13 The other question that we expect, based  
14 on phone calls, is there are two established drains  
15 that are tributary drains, the Kent Drain and the  
16 Round Marsh Drain. When I say tributary, that means  
17 they both flow into the Holland Drain. And we know  
18 that these two drains both were -- had special  
19 assessments levied on them and people in the room  
20 most likely got assessments for one of those two  
21 drains. Because you are a tributary, your property  
22 is on one of those two drains and it flows into the  
23 Holland, you are in both drainage districts. So it's  
24 kind of like in Russian nesting dolls, they go within  
25 each other, so you are in both drainage districts.

1                   That is not unusual, not only to Muskegon  
2                   County, but also throughout the State of Michigan. I  
3                   was in Calhoun County and we had a poor fellow who  
4                   was in five drainage districts on one piece of  
5                   property. We don't have that issue today. We only  
6                   have two. But if you're wondering why did I get  
7                   notice for this when I'm already in one, because you  
8                   are in both.

9                   With that, unless the Board has any  
10                  questions with regard to the role and function of the  
11                  Board of Determination, I'll turn it back to the  
12                  chair.

13                  MR. STEVE VAN HOEVEN: Thank you, Stacy.  
14                  Once again --

15                  MS. STACY HISSONG: I meant to go to Dan  
16                  next. Right?

17                  MR. STEVE VAN HOEVEN: -- there may be  
18                  late arrivals and for those people that come in late,  
19                  there are comment cards that you need to fill out if  
20                  you want to talk. So if you came in and you didn't  
21                  get a comment card and you want to fill one out or  
22                  speak tonight then make sure you get a comment card  
23                  and bring it up front so everybody that wants to talk  
24                  has an opportunity to do so.

25                  Mr. Fredricks, the engineer, you have a

1 presentation for us tonight?

2 MR. DAN FREDRICKS: Yes, I do.

3 MR. STEVE VAN HOEVEN: Just --

4 MR. MARK FAIRCHILD: Excuse me. Mr.

5 Chairman -- Mr. Chairman. Court privilege, please.

6 Mark Fairchild, 893 Seventh Street. I was a county

7 commissioner, represented most of these people for 13

8 years, now I'm the Muskegon County Register of Deeds.

9 You said the reason we're having this Board of

10 Determination meeting tonight was because there was a

11 petition filed with the drain commissioner. Can you

12 produce that petition? I'd like to see that

13 petition.

14 MR. DAN FREDRICKS: Do you have the

15 petition?

16 MR. STEVE VAN HOEVEN: Do you have a copy

17 of the petition?

18 (Whereupon, unintelligible conversation.)

19 MR. STEVE VAN HOEVEN: Can you bring that

20 up here? Could I see that?

21 MS. BRENDA MOORE: Yeah.

22 MS. STEPHANIE BARRETT: You each have one

23 in your packet.

24 MR. STEVE VAN HOEVEN: A copy?

25 MS. STEPHANIE BARRETT: Yes.

1 UNIDENTIFIED SPEAKER: I'll give one to  
2 Mr. Fairchild.

3 MR. STEVE VAN HOEVEN: Would you like me  
4 to read it or --

5 UNIDENTIFIED SPEAKER: Yes, please.

6 UNIDENTIFIED SPEAKER: Some people have  
7 seen this.

8 MR. STEVE VAN HOEVEN: Excuse me.

9 MS. STACY HISSONG: We just have one other  
10 reminder. And it may not be easily seen by  
11 everybody, but we have Ms. McKee here and maybe  
12 Brenda even announced her, but she's a court reporter  
13 and she is taking a record of everything that is said  
14 at the meeting tonight. And while she can work  
15 wonders, she cannot transcribe multiple people  
16 talking at the same time. So I'm not asking you to  
17 not say anything, I'm just asking you to be very  
18 mindful that it makes her job very difficult when  
19 that happens.

20 MR. STEVE VAN HOEVEN: Thank you. I think  
21 it's a good idea to take a look at the petition, to  
22 read it. This is -- Actually, as secretary, why  
23 don't you go ahead and read the petition.

24 MS. JUDY MARCINKOWSKI: Muskegon County  
25 Drain Commissioner, Petition for Maintenance and

1 Improvement, Holland Drain. To the Muskegon County  
2 Drain Commissioner: The signers of this petition  
3 request the maintenance and improvement of the  
4 Holland Drain as provided in Chapter 8 of Public Act  
5 40 of 1956 as amended to alleviate drainage issues in  
6 the drainage district.

7 The Holland Drain is located in Muskegon  
8 Charter Township, Egelston Township, and the City of  
9 Muskegon, Muskegon County, Michigan.

10 This petition is signed by at least five  
11 freeholders with lands liable for assessment in the  
12 Holland Drain District.

13 Signers acknowledge and understand that  
14 this petition may be circulated and signed in  
15 counterparts and that all such counterparts together  
16 constitute a single petition.

17 There are eight names on this petition.  
18 They had to sign it, print their name, their address  
19 and the date. Robert Conley, Ruby Conley, Brian  
20 Zufor -- Zuf something. I'm so sorry.

21 UNIDENTIFIED SPEAKER: Could you --

22 MS. JUDY MARCINKOWSKI: Sue Hernandez,  
23 Jerald Ruve -- Rupe, Patricia Rupe, Thomas Hernandez,  
24 and Curtis Norwood.

25 At the bottom of the page, it's affidavit

1 of circular -- affidavit of circulator of petition.  
2 I hereby -- hereby certify that I did personally  
3 circulate this petition and the signatures to same  
4 were made in my presence and are the genuine  
5 signatures of those whose names are affixed. Dated  
6 5-8-2017, Robert Conley, the State of Michigan,  
7 County of Muskegon, on May 8th, 2017, before me, a  
8 notary public in and for said county, and it's  
9 Stephanie Barrett.

10 That's it.

11 MR. STEVE VAN HOEVEN: And I assume the  
12 drain commissioner's office has verified that these  
13 are tax paying and live within the drainage system?

14 MS. BRENDA MOORE: Yes, sir.

15 MR. STEVE VAN HOEVEN: Okay.

16 UNIDENTIFIED SPEAKER: Can she -- She can  
17 just go ahead and sign her own -- Really? She don't  
18 have to have a notary do it, not the girl that works  
19 there? Why would a girl that works there sign her  
20 own notary? Isn't that kind of weird? I think.

21 MR. STEVE VAN HOEVEN: I'm not quite sure  
22 what you're referring to.

23 UNIDENTIFIED SPEAKER: Well, Brenda works  
24 for the --

25 MR. STEVE VAN HOEVEN: There's a notary in

1           here.

2                           UNIDENTIFIED SPEAKER:   She's the deputy  
3           right there.

4                           MS. JUDY MARCINKOWSKI:   Stephanie Barrett.

5                           UNIDENTIFIED SPEAKER:   Sitting right there  
6           in front of me.

7                           MR. STEVE VAN HOEVEN:   So I'm going to --  
8                           (Whereupon, unintelligible conversation.)

9                           THE COURT REPORTER:   Can we just have one  
10          person speak at a time?

11                          MR. STEVE VAN HOEVEN:   Representative of  
12          the drain commissioner's office can sign as a notary.

13                          MR. JEFFERY COLLINS:   She can notarize her  
14          own stuff?

15                          MS. STACY HISSONG:   Okay.   She just asked  
16          if one person can speak at a time and so we will do  
17          that --

18                          MR. JEFFREY COLLINS:   I was the one  
19          speaking.

20                          THE COURT REPORTER:   Can you state your  
21          name, please?

22                          MR. JEFFREY COLLINS:   (Whereupon,  
23          unintelligible.)

24                          MS. STACY HISSONG:   And I can't speak  
25          until you're done, so I'll wait.

1 THE COURT REPORTER: State your name,  
2 please.

3 MR. JEFFREY COLLINS: My name is Jeffrey  
4 Allen Collins. I live at 837 Center Street. And I'm  
5 the one that came through my yard and wrecked my  
6 whole yard, my fence, everything, and they know, two  
7 years ago. On 837 Center, and I welcome everybody to  
8 come look at my yard, my fence, everything. You guys  
9 are welcome to come and the whole gang, come see what  
10 they did to my yard. And I want it fixed.

11 MS. STACY HISSONG: All right. So the  
12 question that the Board Chair asked me was is it  
13 appropriate for the deputy drain commissioner, if she  
14 is a notary public, to notarize the signature of a  
15 circulator. In my opinion, I don't think there's any  
16 reason why that's not acceptable.

17 MR. STEVE VAN HOEVEN: Okay. Now we're  
18 not to public comment yet. I want to hear the report  
19 of the engineer, so let's move forward with that and  
20 then you'll have your opportunity to speak after  
21 that. Dan.

22 MR. DAN FREDRICKS: Thank you, Steve.  
23 Once again, my name is Dan Fredricks and I'm with  
24 Land & Resource Engineering. And we were retained by  
25 the drain commissioner to do a study on the drain, a

1 preliminary assessment, and we also did a preliminary  
2 topographic survey. And I'm going to present some of  
3 our findings today with you.

4 MS. JUDY MARCINKOWSKI: Give us a moment,  
5 Dan. We got to get down so we can see.

6 MR. DAN FREDRICKS: Okay. Sorry.

7 Okay. I'm going to give you a little  
8 overview of the presentation today. We're going to  
9 start with a brief overview of the drain and the  
10 drainage district or the watershed, then I'll talk  
11 about the history of the drain, when it was  
12 established, when the projects have been done. We'll  
13 go into current drainage issues based on our  
14 preliminary assessment of the drain, and then I'll  
15 briefly talk about what happens next.

16 Okay. So this outline here in green is  
17 essentially the drainage district, which is the  
18 watershed, which means every drop of rain -- water  
19 that falls within this green outline is ultimately  
20 going to drain to the Holland Drain. The Holland  
21 Drain starts just west of US-31, kind of near Holmes  
22 Street in the City of Muskegon along what is  
23 historically the natural Ryerson Creek water course,  
24 then progresses upstream, so it flows basically from  
25 east to west. So starting at the downstream end, at

1 Holmes Street it crosses US-131 -- or US-31, I  
2 apologize. This area, we surveyed it. We walked it.

3 There is a substantial amount of sediment  
4 that is built up within the -- downstream of the  
5 US-31 culvert. I'll have some photos that show that  
6 in a little bit. Also, the Holmes Street culvert and  
7 Oak Street culvert, we saw significant amounts of  
8 sediment built up in those culverts, as well. From  
9 Oak Street up to Quarterline, it kind of is a nice  
10 natural meandering stream that goes through a wooded  
11 floodplain area. And then when you start heading  
12 upstream or to the east of Quarterline, it -- that's  
13 where it really starts picking up grade. From  
14 Quarterline to about Shirley Street or -- or Sidell,  
15 that's where the drain really picks up grade. And  
16 then it starts to flatten out as it crosses Sheridan  
17 and then continues upstream easterly along M-46.

18 As far as one note on where the -- a lot  
19 of you guys were asking where the petitioners were  
20 from, it was primarily on this kind of Shirley Street  
21 area. There is a really large kind of like three --  
22 two-to-three-foot diameter willow tree that has  
23 fallen across the drain in that area and it's in one  
24 guy's backyard, so there's -- that area right there  
25 has a lot of issues with tree fall and woody debris.

1                   And then as we keep moving upstream here  
2                   between Sheridan and Walker Street, that part of the  
3                   drain was actually cleaned in 2016 as part of a  
4                   maintenance project that was funded by M-DOT. And  
5                   then as you keep going from Walker Street to more or  
6                   less Mill Iron Road, that is primarily a closed storm  
7                   sewer. It's an 18-inch diameter. And then it opens  
8                   up for a little bit and then it -- it closes again at  
9                   Brooks, and then the drain itself continues to just  
10                  right near Carr Street, basically. That's basically  
11                  the upper limits of the drain.

12                  I'll go into some of these in a little  
13                  more detail, but that's kind of a brief overview.  
14                  The drain was originally established in 1890. The  
15                  total length of drain that I just described is just  
16                  over 24,000 feet, which equates to about 4-1/2 miles.  
17                  The historic bottom width of the drain varies from 3  
18                  to 8 feet, and it also has an 18-inch storm sewer in  
19                  some of the upper reaches of it. There are -- there  
20                  is a 50-foot easement, 25 feet either side of the  
21                  centerline.

22                  I guess a couple points to note here,  
23                  again, as I said before, the green area, that's  
24                  basically the watershed or the drainage district.  
25                  Any property within that would be liable potentially

1 for an assessment.

2 The major tributaries that Stacy had  
3 talked about before, you have the Round Marsh Drain  
4 which flows from the north and comes in near Clark  
5 Street, and then you also have the Kent Drain which  
6 flows from south to north and crosses M-46 near  
7 Barlow Street.

8 Kind of just a brief overview of some of  
9 the soils within the area. It's primarily sandy  
10 soils out here that are well-drained soils. That  
11 doesn't mean that you don't have a high groundwater  
12 table, but in general they're sandy, more  
13 well-draining soils. It's primarily commercial and  
14 residentially, it's just more of an urban  
15 environment, urban drain system.

16 Kind of give you a brief overview here of  
17 the history of the drain. As I said before, it was  
18 established in 1890. In 1909, it was extended to its  
19 current up upstream terminus near Carr Road. In  
20 1960, it was extended to its current downstream  
21 terminus west of US-31 near Holmes Street.

22 Back in the '30s, the state highway  
23 department started doing some minor relocations. On  
24 42, there was a petitioned project to basically clean  
25 out the entire drain. In the '60s, there were a

1 couple projects that were found not necessary because  
2 M-DOT was going to come in there and they did the  
3 improvements along M-46 and put in a storm sewer  
4 system. So the last real maintenance overhaul  
5 project happened, it was petitioned in 1974. It was  
6 completed in 1976. And it essentially went from  
7 Clark Street all the way to the point of ending near  
8 Carr.

9 All that -- When we talked about all that  
10 18-inch storm sewer along the Apple Avenue, that is  
11 all pre-1976. That's -- We believe it was installed  
12 in the '60s, but sometime between 1942 and 1974 that  
13 -- that was put in.

14 More recently, there was some studies --  
15 Back in 2013 under a previous drain commissioner,  
16 some studies were conducted because along Apple  
17 Avenue, pretty much east of -- I apologize, east of  
18 Walker Street, there were significant number of  
19 continual blow-outs in that 18-inch storm sewer that  
20 had to be repaired, so there was look at, okay, what  
21 would we have to do to either overhaul that existing  
22 storm sewer system? Could we put it into the M-DOT  
23 storm sewer system? Are there ways that we could  
24 create regional detention basins maybe so that we  
25 wouldn't have to upsize the pipe if there were any

1 kind of flooding issues?

2 But there -- The action that was taken  
3 out of this at this point is that M-DOT did purchase  
4 about 13 acres of land which potentially could be  
5 used as a regional detention basin or area to capture  
6 storm water, primarily for the use of M-DOT.

7 In 2016, as I said before, there was a  
8 petition project done on the Kent Drain in order to  
9 give a better outlet to the Kent Drain. The Holland  
10 Drain was cleaned out from Sheridan up to Walker  
11 Street. No work was done downstream of Sheridan, so  
12 there -- you go out there, you'll see the water  
13 starts getting a little more stagnant there. But  
14 this work was done, I believe the majority of it was  
15 funded from supplemental benefits from M-DOT so that  
16 basically M-DOT said, we want to improve the drainage  
17 here and they covered the majority of that cost.

18 In 2017, there was also an adjustment.  
19 The drainage district boundary that was reviewed and  
20 there will be some updates -- minor updates to the --  
21 to the drainage district boundary based on that study  
22 and that, if there is a day of review, would be  
23 handled at that time, any of those changes.

24 Okay. Going to go over then some of the  
25 drainage issues that we saw based on our

1 investigation. Some of the things we noticed were  
2 impaired culverts, impaired culverts being culverts  
3 that were either corroded, deteriorated, culverts  
4 that might be more than half filled up with sediment,  
5 culverts that might be set two feet below the grade  
6 of the channel, culverts that might be perched two  
7 feet above the grade of the channel. We found areas  
8 of localized bank erosion and sediment deposition.  
9 I'll talk a little bit more about -- briefly about  
10 those in the next couple of slides. Woody debris,  
11 obviously that was that big willow and some of the  
12 woody debris there by -- that we talked about that  
13 caused the petition. Trash and litter, which may not  
14 seem like as big a deal, but when you're talking  
15 about 18-inch storm sewers, you get a bunch of trash  
16 and debris in there, that clogs up pipes, so that is  
17 an issue.

18 And then another complaint the drain  
19 office had received complaints on was the Pine Hollow  
20 Subdivision and Apple Carr Village area, so those are  
21 some other things we'll just kind of note, as well.

22 I apologize. The computer is way back  
23 here, so it's hard for me to change slides.

24 All right. So impaired culverts. Kind of  
25 as I -- as I said before, those could be culverts

1 that are deteriorated, culverts that are set too low,  
2 culverts that are set too high, culverts that have  
3 filled with sediment, basically. So anytime you have  
4 one of these conditions, more than likely you're  
5 going to be creating some -- you're creating a  
6 obstruction in the drain, which is going to stop  
7 flow, which is probably going to create some level of  
8 flooding, which is going to adversely affect people's  
9 property or it's going to create stagnant water,  
10 which creates breeding grounds for mosquitos, it  
11 creates additional sediment depositions to drop out  
12 and cattails and vegetation to grow out, which  
13 impedes flow and further exacerbate the problem and  
14 cause the sediment to drop out.

15 So here is an example, these culverts are  
16 east of Brooks Road and some of the open channel. If  
17 you can see this dash line right here, this is the  
18 survey channel bottom of the drain. And if you look  
19 at where these culverts are placed, these are the  
20 inverts of these -- pretty much they're all 18-inch  
21 culverts. But you know, this one -- this culvert --  
22 this driveway right here, maybe it has, I don't know,  
23 two, three inches of three board, that's it. If you  
24 go out there and look at it, you'll pretty much just  
25 see water up to the top of those.

1                   So this is an example of basically just  
2 sedimentation obstructing the flow through the drain  
3 and having a situation where you have buried  
4 culverts.

5                   So here's a photograph of what I just  
6 showed right there. The culvert right -- as -- you  
7 can barely see the top of it is right there. You can  
8 see there's trash collecting up and stagnant water.  
9 Here you had so much sediment deposition, you can  
10 barely see the top of the culvert right there, that  
11 you got aquatic vegetation that's growing up in the  
12 drain. This is all east of -- of Brooks Road.

13                   More examples of the same. Again, the  
14 majority of it, you go out there and look at the  
15 private crossing along Apple Avenue, especially as  
16 you go east of Walker and Brooks Road, it will look  
17 very -- very much like this.

18                   Sorry.

19                   MS. STACY HISSONG: I can go back and do  
20 it, if you want.

21                   MR. DAN FREDRICKS: If you don't mind.  
22 This is an example, this is a private crossing that's  
23 downstream of Quarterline Road. This is kind of a  
24 deteriorated condition. Back in the 1976 project,  
25 they replaced a lot of culverts with these corrugated

1 metal pipe culverts, which they've been -- they're  
2 about 42 years old now. Usually you get 30 years or  
3 so out of these before they completely rust out on  
4 you and collapse, fail. And when that happens then  
5 you got a restriction of flow. So there's several of  
6 these culverts that were put in in the -- in that  
7 1976 project that are in very poor condition.

8 Next slide, please.

9 Localized bank erosion. In general, I'd  
10 say the strain from a stability wise, there aren't  
11 any like massive eroding -- eroded areas. On the  
12 downstream section from Quarterline going down to  
13 US-31, there were a few areas where you do get some  
14 scour and bank erosion. When you get bank erosion,  
15 that means sediment is dropping out into the drain  
16 and then it's going to deposit somewhere and then  
17 create blockages to flow.

18 Next slide.

19 And as I said before, when you get  
20 erosion, the drain -- the sediment will drop out  
21 within the drain and it will create humps in the  
22 drain, basically, as you can see in these photographs  
23 right here. So this right here is US-31 downstream.  
24 It's a 72-inch culvert, I believe, and probably half  
25 of that culvert almost is blocked by sediment on the

1 downstream end. This is a 36-inch pipe right here  
2 and you can maybe see the top foot of it or so. This  
3 is an example of the ditch along M-40 -- yeah, M-46.

4 Again, here we're looking at this gray  
5 patch here represents sediment it's actually in the  
6 drain. And this would be a photograph of it, you can  
7 see -- you see the water here and all you see  
8 basically is full vegetation is growing up there,  
9 litter, trash depositing, as well.

10 Next slide, please.

11 Woody debris. Again, as you get -- This  
12 happens more when you start going downstream of  
13 Sheridan where you get into a more wooded corridor  
14 going through people's backyards. That's where you  
15 see more of the woody debris. These are just some  
16 examples. You get big log jam clogs in front of a  
17 culvert. Obviously, that's going to impede flow and  
18 it can also potentially cause bank erosion when a  
19 tree falls down and diverts water against a bank.

20 UNIDENTIFIED SPEAKER: I got a question.

21 MR. DAN FREDRICKS: I'm almost done. If  
22 you don't mind, I'll just finish quick and then I can  
23 answer questions later.

24 Woody debris. This is actually looking --  
25 This is close to the area of concern here. This

1 would actually be downstream of Sidell -- I call it  
2 Sidell. I don't know if it's Sidell or Sidell. I  
3 apologize. But either way, it's looking down there.  
4 It's near the area of concern. You can kind of see  
5 there's -- there's a log way down there growing up in  
6 the drain. And this is an example, too, where we  
7 have, downstream of Quarterline, all the brush and  
8 debris growing into the drain and kind of choking the  
9 flow down.

10 Trash and litter. As we said before,  
11 obviously from a water quality standpoint, it's not a  
12 good thing. But also from a hydraulic standpoint, it  
13 gets into the pipes, it clogs them up and it  
14 restricts flow.

15 More examples of trash and litter.

16 Pine Hollow. Okay. So back in 2016, the  
17 drain commission was getting a lot of complaints  
18 about basement flooding, high groundwater levels,  
19 lack of adequate drainage outlet. A basic, very  
20 preliminary study was done at that point to look at a  
21 potential outlet. Again, if we look at this is the  
22 Apple Carr Village, this is Pine Hollow right here,  
23 the Holland Drain is down on M-46.

24 And basically the -- when they looked at  
25 the different alternatives, this water from Pine

1           Hollow could either be routed towards the Round Marsh  
2           Drain or it could go down south. But the problem  
3           with it going to the Holland Drain would be that the  
4           Holland Drain is set -- it's too high. It's  
5           basically -- The Holland Drain is the same elevation  
6           as the ground surfaces roughly up here, so there's  
7           not enough fall for the water to come down. To tie  
8           in, to make this work, to go south, we'd actually  
9           have to go into the M-DOT storm sewer, which is 10  
10          feet deeper than the current drain, but then that  
11          would have to get agreements with M-DOT to be able to  
12          do this. So that was -- that was the result of that  
13          study at that time. Again, it wasn't directly  
14          located on the drain itself, but there has been a  
15          preliminary study done, but no way to implement any  
16          -- any work at this time.

17                        This was a photograph here that we were  
18                        given. It was also my understanding, and don't quote  
19                        me on it, but they had tried to build a retention  
20                        basin in Pine Hollow, but the groundwater level was  
21                        so high up there that it basically just sits kind of  
22                        with water in there and it doesn't do anything to  
23                        help the basement flooding because, as you guys are  
24                        -- the groundwater is so high. And when you're  
25                        running your sump pumps, you're just recharging --

1           recirculating it constantly back into the ground.  
2           And unless there was a way to alleviate the  
3           groundwater, that issue isn't going to go away.

4                        Again, just another issue that was in the  
5           file.

6                        UNIDENTIFIED SPEAKER: Put it in the  
7           sewers.

8                        MR. DAN FREDRICKS: I don't get to --  
9           Okay. So as far as this -- This is my last slide  
10          right here. So what happens next. Right now, we're  
11          going to open the floor up so you guys can get your  
12          public comment. We'll be happy to answer any  
13          questions at that -- at that time. You know, if you  
14          have drainage problems, let us know.

15                       And at this point, then the BOD, the Board  
16          of Determination, will make a decision on whether  
17          they have determined the project is necessary. And  
18          -- and if it is determined necessary, then we'll move  
19          forward with some level of project, the scope of  
20          which has not been defined. If it's not found  
21          necessary then a petition cannot be -- the project  
22          cannot be repetitioned for another 12 months.

23                        Thank you.

24                        MR. STEVE VAN HOEVEN: Okay. Thank you  
25          for the presentation. We have board members, first

1 of all. Do you have any questions of the engineer?

2 MS. JUDY MARCINKOWSKI: Not at this time.

3 MR. VAL JENSEN: I have questions.

4 MR. STEVE VAN HOEVEN: Do you have  
5 questions?

6 MR. VAL JENSEN: Yes, I do. This is for  
7 the engineer. Are repairs needed for only open  
8 drains or the ditches, basically?

9 MR. DAN FREDRICKS: Short answer, I would  
10 say that there's impairments to both. I mean,  
11 there's been -- there's been several sink holes that  
12 the drain commissioner has had to fix along that  
13 18-inch storm sewer and there's definitely sediment  
14 build up in the open channel, as well.

15 MR. VAL JENSEN: I have another question.  
16 I have a question on does a municipality normally  
17 bear some financial liability for closed portions of  
18 the drain outside of having a petition?

19 MR. STEVE VAN HOEVEN: Hold on a second on  
20 that one. To me, that's more a question for the  
21 drain commissioner, not the engineer, so can we hold  
22 on that one?

23 MR. VAL JENSEN: Sure.

24 MR. STEVE VAN HOEVEN: Okay. You have  
25 more questions? I see a number three.

1 MR. VAL JENSEN: Number three. Are these  
2 issues that's occurring with the drain more prevalent  
3 now due to high water tables in this water cycle?

4 MR. STEVE VAN HOEVEN: Want to try that  
5 one, Dan?

6 MR. DAN FREDRICKS: As far as other  
7 problems within the drainage district that we talked  
8 about right at the end, especially along Pine Hollow  
9 and Apple Carr Village, I'm sure that those are  
10 definitely having high groundwater levels. However,  
11 the issues in the drain itself, the sediment buildup  
12 and not raising the water levels and obstructing flow  
13 I would say is an issue of lack of maintenance in the  
14 drain, just from the -- Yeah.

15 MR. STEVE VAN HOEVEN: Any more questions  
16 from the Board to the engineer?

17 (Whereupon, no response.)

18 MR. STEVE VAN HOEVEN: If not, I'll take a  
19 motion to move into the public comment portion of the  
20 meeting.

21 MS. JUDY MARCINKOWSKI: I'll make the  
22 motion that at this time we open public comment.

23 MR. STEVE VAN HOEVEN: Motion is made.

24 MR. VAL JENSEN: I would second that.

25 MR. STEVE VAN HOEVEN: Support. Is there

1 any discussion?

2 (Whereupon, no response.)

3 MR. STEVE VAN HOEVEN: If not, vote on the  
4 motion. All in favor, say aye.

5 MS. JUDY MARCINKOWSKI: Aye.

6 MR. VAL JENSEN: Aye.

7 MR. STEVE VAN HOEVEN: Aye. Okay. We're  
8 in the public comment portion. Once again, got cards  
9 up here with people's names that want to give comment  
10 tonight. And if you want to give comment, if you  
11 walked in late and you don't have a comment card, you  
12 want to get one, I'm sure the drain commission's  
13 office can help you with that so that you have an  
14 opportunity to speak. We want everybody that wants  
15 to speak to have an opportunity to speak tonight.

16 UNIDENTIFIED SPEAKER: I'd like to hear  
17 what John has got to say.

18 MR. STEVE VAN HOEVEN: Hold on. Hold on a  
19 second. Now that includes there's some people that  
20 have questions of the engineer. If you have a  
21 question for the engineer, you're going to want to  
22 fill out a comment card to get those questions  
23 answered. People already filled out a comment card  
24 then you can ask your question when your turn comes.

25 Okay. I'd like to start out with the

1 public comment portion of the meeting by asking units  
2 of government or agencies -- public agencies that are  
3 in the drainage district if they would like an  
4 opportunity to speak. And I'll start with M-DOT. Is  
5 anybody here from Michigan Department of  
6 Transportation? I know this involves M-DOT. M-46 is  
7 a state highway.

8 (Whereupon, no response.)

9 MR. STEVE VAN HOEVEN: Nobody from M-DOT.  
10 Is there anybody from the Muskegon County Road  
11 Commission that would like to speak?

12 (Whereupon, no response.)

13 MR. STEVE VAN HOEVEN: I'm talking about  
14 speaking for your unit of government on behalf of  
15 this petition, not as an individual landowner, if you  
16 happen to be in the drainage district.

17 (Whereupon, no response.)

18 MR. STEVE VAN HOEVEN: Okay. Next, City  
19 of Muskegon, would the -- somebody from the City of  
20 Muskegon that wants to speak on behalf of, you know,  
21 regarding the petition?

22 (Whereupon, no response.)

23 MR. STEVE VAN HOEVEN: If not, I know the  
24 Township of Muskegon is also in the drainage  
25 district. Is somebody here from the Township of

1 Muskegon that would like to speak on behalf of the  
2 Township?

3 MS. JENNIFER HERNANDEZ: (Whereupon,  
4 raised hand.)

5 MR. STEVE VAN HOEVEN: State your name for  
6 the record.

7 MS. JENNIFER HERNANDEZ: I'm Jennifer  
8 Hernandez, supervisor of Muskegon Township. I also  
9 live at 2680 Ducey. I have a few questions, more so  
10 than comments at this time. I may circle back,  
11 though.

12 But first, I'm wondering what makes this  
13 Board of Determination qualified, if education and  
14 training is done for these people in order to know  
15 whether or not this is actually a project that needs  
16 to be done? Do you guys take classes, training?

17 MS. STACY HISSONG: All right. Mr. Chair,  
18 would you like me to answer that question or respond  
19 to it or do you want to?

20 MR. STEVE VAN HOEVEN: I'm just grabbing  
21 the mic so that everybody can hear me. I do not have  
22 a problem with legal counsel responding to that one,  
23 so if you would.

24 MS. STACY HISSONG: So the state  
25 legislature dictates who can serve on the Board of

1 Determination, and so the statute says that it's a  
2 property owner that resides within the county but not  
3 in the municipalities. The statute does not specify  
4 any training, as with most planning commissions,  
5 different things like that, doesn't require certain  
6 educational backgrounds to hold that position.

7 The drain commissioner's office did hold a  
8 training session for all Board of Determination  
9 members. I know the three Board of Determination  
10 members who are here today were present at that  
11 training with regard to how this meeting takes place  
12 under the drain code.

13 MS. JENNIFER HERNANDEZ: Well, you can  
14 stay right there, Stacy. So they sat through a class  
15 that is determined by our drain commissioner on how  
16 the meeting runs or how drainage districts work and  
17 how drains flow?

18 MS. STACY HISSONG: So at the training, it  
19 was how to follow the legal procedures for having a  
20 Board of Determination meeting.

21 MS. JENNIFER HERNANDEZ: So there's no  
22 training on actual determining --

23 MS. STACY HISSONG: Engineering?

24 MS. JENNIFER HERNANDEZ: Engineering.

25 MS. STACY HISSONG: No. You don't have to

1 hold an engineering degree.

2 MS. JENNIFER HERNANDEZ: I'm just  
3 clarifying, that's all. I just want to make sure of  
4 that. Another question is -- I have a whole sheet,  
5 so let me prioritize here.

6 According to a recent statement that I  
7 received from the drain commissioner, a property  
8 owner cannot be charged if they do not benefit from  
9 the work of the drain. How do you justify this to  
10 not -- to those that are not affected by the problem  
11 that's happening now? There were eight signatures,  
12 five households, and four miles worth of residents  
13 and parcels affected by this. How do you justify  
14 this based on eight signatures and -- Hold on for  
15 one second. What were the concerns of the  
16 petitioners specifically? What was negatively  
17 affecting them? And what would it take to resolve  
18 the issues for just those in the district, is that --  
19 or that were affected directly out of the petition as  
20 opposed to the four miles of district?

21 MS. STACY HISSONG: I'm going to go back  
22 -- We only have one microphone --

23 (Whereupon, unintelligible conversation.)

24 MS. STACY HISSONG: My day didn't end the  
25 way I thought it was going to be when it started.

1                   Go ahead.

2                   MR. STEVE VAN HOEVEN: I guess I'm looking  
3 at my Board a little bit, but we set a three-minute  
4 timetable for people to talk and, my opinion, it  
5 applies to units of government, as well.

6                   (Whereupon, unintelligible conversation.)

7                   UNIDENTIFIED SPEAKER: Answer the  
8 question.

9                   MS. JENNIFER HERNANDEZ: Have you started  
10 a timer so I could see --

11                   UNIDENTIFIED SPEAKER: I didn't see one.

12                   MS. JENNIFER HERNANDEZ: -- how much time  
13 is left?

14                   MR. STEVE VAN HOEVEN: We'll start the  
15 timer.

16                   UNIDENTIFIED SPEAKER: Come on, now. She  
17 --

18                   (Whereupon, unintelligible conversation.)

19                   UNIDENTIFIED SPEAKER: Wait. Wait. Wait.

20                   MS. JENNIFER HERNANDEZ: Hold on, please.  
21 Hold on, please. I would like my time to be stopped  
22 as my questions are answered, as well. I don't mind  
23 being on a timer once I can see it.

24                   UNIDENTIFIED SPEAKER: She can have my  
25 time.

1 UNIDENTIFIED SPEAKER: And mine.

2 UNIDENTIFIED SPEAKER: And mine.

3 UNIDENTIFIED SPEAKER: She can have mine,  
4 too.

5 UNIDENTIFIED SPEAKER: Yeah, she can have  
6 mine, too.

7 UNIDENTIFIED SPEAKER: She can have mine,  
8 as well.

9 MS. JENNIFER HERNANDEZ: I may not have  
10 that many questions (unintelligible).

11 MS. STACY HISSONG: Okay. I'll advise the  
12 Board. The Board can handle this however you want.  
13 I think those questions are good. As you can  
14 imagine, we don't have a timer that the audience can  
15 see, so we'll do our best. We'll do our best.

16 (Whereupon, unintelligible conversation.)

17 MS. STACY HISSONG: We'll do our best with  
18 regard to that. Of course it's not required, but we  
19 will do our best.

20 With regard to answering questions, we'll  
21 be pleased to do that. If you have a whole sheet, I  
22 would be pleased to speak with you on questions  
23 relating to assessments which are not subject to this  
24 meeting at another time as much as you would like to  
25 answer those questions. If you do have questions,

1 I'd be happy to answer those.

2 As far as the three-minute rule, that's  
3 for the Board to move forward as you want. Proxies  
4 are normally not allowed under the three-minute rule,  
5 meaning you can't give time to somebody else. It's  
6 three minutes per person.

7 As to the questions that you have right  
8 now, it's been awhile.

9 MS. JENNIFER HERNANDEZ: Yes.

10 MS. STACY HISSONG: Apportionments are  
11 based on benefits to right, and that's based on a  
12 number of different factors that are -- could be  
13 different for each project, and those are not subject  
14 or even relevant for purposes of the assessment as to  
15 whether there's a determination of necessity. So the  
16 answer is very lengthy. And unless the Board Chair  
17 directs me to give a very lengthy answer to a  
18 question that's not before the Board, I am not going  
19 to unless he asks me to, and then I --

20 MS. STEVE VAN HOEVEN: Are you comfortable  
21 with that, her answer?

22 UNIDENTIFIED SPEAKER: I still want to  
23 know why she can't talk more than three minutes.

24 MS. STACY HISSONG: Sir, she's got a court  
25 reporter.

1 UNIDENTIFIED SPEAKER: I still want to  
2 know. I still want to know why a lady who works for  
3 all of us cannot talk more than three minutes.

4 MR. STEVE VAN HOEVEN: You're not --  
5 (Whereupon, unintelligible conversation.)

6 MR. STEVE VAN HOEVEN: It's not your turn.  
7 If you filled out a card, you will get your turn.

8 UNIDENTIFIED SPEAKER: I did that. I did  
9 all that.

10 MR. STEVE VAN HOEVEN: Okay. Well, you've  
11 interrupted several times now.

12 UNIDENTIFIED SPEAKER: I'd still like her  
13 to talk more.

14 UNIDENTIFIED SPEAKER: That's all right.

15 UNIDENTIFIED SPEAKER: Come on, now. For  
16 real. She's got things to talk about. She's our  
17 supervisor.

18 MR. STEVE VAN HOEVEN: She's the  
19 supervisor. She's the one that's recognized as the  
20 person at the podium right now and you're not. So  
21 move forward.

22 And by the way, legal counsel's time  
23 doesn't count against her.

24 MS. JENNIFER HERNANDEZ: Thank you for  
25 clarifying that. I didn't really -- I guess I would

1 ask Stacy to clarify that a little bit better on how  
2 everyone is going to benefit from this and how do we  
3 justify it to those not affected by it?

4 MR. STEVE VAN HOEVEN: I think one of the  
5 things that -- You're kind of jumping ahead. I  
6 mean, our job as a Board is to determine if this is  
7 necessary for public health, welfare and convenience.  
8 There's been no decision made about whether anything  
9 is going to be done. I haven't decided. I don't  
10 think my Board has decided, so you're presuming that  
11 something is going to be done.

12 MS. JENNIFER HERNANDEZ: You are  
13 absolutely correct and I will agree with you on that.  
14 And that kind of brings me back to what makes you  
15 qualified to determine this, but we already answered  
16 that so we don't need to visit that.

17 UNIDENTIFIED SPEAKER: That's right.

18 MS. JENNIFER HERNANDEZ: What would it --  
19 In this process, you -- does the engineer have other  
20 alternatives for taking care of just the trees down  
21 and the brush that's in there and who should be  
22 responsible for taking care of that in the meantime  
23 before we get to this point?

24 MR. STEVE VAN HOEVEN: Well, we all  
25 listened to the engineer's report. I'm not going to

1 make my decision based on just the engineer's report.  
2 I want to hear what the people say. You're going to  
3 tell us as Board members whether or not improvements  
4 are necessary. The drain can be totally collapsed,  
5 according to the engineer. You don't want anything  
6 done, I'm listening. It's up to you. You're going  
7 to tell us where the problems are, we're going to  
8 hear if there's problems from these people here or if  
9 there's not.

10 MS. JENNIFER HERNANDEZ: Okay. At that,  
11 then I will respectfully let somebody else ask  
12 questions and hopefully there will be a lot of --

13 (Whereupon, unintelligible conversation.)

14 MR. STEVE VAN HOEVEN: Okay. Let's see.  
15 Egelston Township, would you like -- would you like  
16 to speak?

17 UNIDENTIFIED SPEAKER: Talk fast, John.

18 UNIDENTIFIED SPEAKER: You can have my  
19 three minutes.

20 MS. JUDY MARCINKOWSKI: I'll hold the  
21 timer up so you can see.

22 MR. JOHN HOLTER: John Holter, resident of  
23 Egelston, supervisor of --

24 THE COURT REPORTER: Can you say your last  
25 name again, please?

1 MR. JOHN HOLTER: H-O-L-T-E-R.

2 THE COURT REPORTER: Thank you.

3 MR. JOHN HOLTER: Supervisor, Egelston  
4 Township. I reside 1199 Drent Road, representing the  
5 township. I'm going to go back to the people on Pine  
6 Hollow. I understand their plight. I know most --  
7 most of those residents personally.

8 They've never signed a petition, number  
9 one, so I don't know how they're going to be  
10 included.

11 Number two, Apple Carr is still in infancy  
12 stage. Nobody has contacted our building and zoning  
13 administrator, so we don't know for sure if that  
14 storm water is going to leave that property, so that  
15 shouldn't be brought up.

16 As far as where we're at here with  
17 Shirley, the five or six addresses that signed the  
18 petition, they should be paying for that. There is  
19 no way that the residents of Egelston Township is  
20 going to benefit for something three miles away,  
21 period.

22 (Whereupon, applause.)

23 MR. JOHN HOLTER: Now I'd also like to  
24 state that it looks like some of these areas have  
25 residents that -- The property owners north of Hall,

1 I don't see where any of that property goes to the  
2 Holland Drain, period. Some of those residents  
3 happen to be in the former -- without -- before  
4 redistricting the lines were in the Wolf Lake  
5 Drainage District area. And now I have a property  
6 owner on Bock that received it and there's no way  
7 that water -- you can tell me that that water is  
8 going to get to the Holland Drain, period.

9 I -- I do have property in the Holland  
10 Drain, but as representing the township, a lot of  
11 this stuff is the residents should have been  
12 maintaining this. But I'm going right back to with  
13 -- with owning the size of property that I do with  
14 the trees on it and the growth, my water at Drent and  
15 Apple, I will tell you right now, probably doesn't  
16 even reach Brooks Road. So to say that our water is  
17 going all the way down Apple Avenue, out of Egelston  
18 Township down to Sheridan, Quarterline and to where  
19 these residents live in this subdivision area is not  
20 right.

21 And I would like to also state, are you  
22 the engineer who designed the Dollar Store retention  
23 ponds?

24 MR. DAN FREDRICKS: No.

25 MR. JOHN HOLDER: Well, whoever did,

1 that's overkill because you don't even see water in  
2 those ponds, period. And to think that a water now  
3 from my township is going down to that highway, no.  
4 It's not reaching that water. We will not benefit,  
5 period.

6 (Whereupon, applause.)

7 UNIDENTIFIED SPEAKER: Thank you, John.

8 MR. STEVE VAN HOEVEN: I'm ready for  
9 comment cards.

10 MR. JOHN HOLTER: I have one more  
11 question.

12 (Whereupon, unintelligible conversation.)

13 MR. JOHN HOLTER: Use up the three  
14 minutes. Did anybody on this Board walk the complete  
15 drain to really take a good look at it?

16 MS. JUDY MARCINKOWSKI: We're not allowed  
17 to.

18 MR. JOHN HOLTER: You're not allowed to  
19 but you're going to make a decision on what needs to  
20 be done?

21 MS. JUDY MARCINKOWSKI: We're to come here  
22 with --

23 UNIDENTIFIED SPEAKER: That's not right.

24 MS. JUDY MARCINKOWSKI: -- clear --

25 MR. STEVE VAN HOEVEN: We're supposed to

1 be unprejudiced and not biased in any way. And by  
2 going out and looking at the drain, if I would see  
3 what the engineer reported, I might come here.

4 UNIDENTIFIED SPEAKER: You may have a  
5 different view.

6 MR. STEVE VAN HOEVEN: Maybe, but, you  
7 know, I might come here to the meeting thinking this  
8 drain needs to be maintained, needs to be improved  
9 and I don't want to start with that opinion. And I'm  
10 still not necessarily of that opinion. So what's --

11 UNIDENTIFIED SPEAKER: You just saw the  
12 pictures of it on the screen.

13 MR. STEVE VAN HOEVEN: Here we go with  
14 comment cards. We've got Brandon Vetter from 3917  
15 Timberwood Road. Want to come up front?

16 MR. BRANDON VETTER: It don't matter.  
17 It's just quick.

18 MR. STEVE VAN HOEVEN: Here is Brandon.

19 MR. BRANDON VETTER: Do I have to say my  
20 name again?

21 THE COURT REPORTER: No.

22 MR. BRANDON VETTER: Okay. I just want to  
23 say that I'm not affected by this at all. And I want  
24 to know why nothing has been done, like why is trash  
25 just sitting in these drains? Why is debris just

1 sitting in these drains? Why does no one clean it  
2 out? You take pictures of it but you're not taking  
3 anything out of it. Like who -- why is no one doing  
4 anything?

5 UNIDENTIFIED SPEAKER: That's a good  
6 question.

7 MR. STEVE VAN HOEVEN: Thank you, Brandon.  
8 That's the second time maintenance has come up, so  
9 I'll just take a second and ask Brenda Moore to talk  
10 a little bit about how maintenance is handled through  
11 the drain commissioner's office.

12 MS. BRENDA MOORE: In terms of general  
13 maintenance, we have the ability to do some  
14 maintenance without petition. What we're finding,  
15 unfortunately, is a lot of the work we need to do,  
16 not the trash, but getting a crew together for that,  
17 but a lot of the maintenance we need to do is beyond  
18 our spending limits and so that's what's pushing  
19 these petitions.

20 In terms of like sediment removal and  
21 culvert replacement, one of the difficulties is is  
22 this is a whole system. If you replace one culvert  
23 and downstream another three aren't in good shape,  
24 you really -- you're not helping the situation. You  
25 have to look at it as a watershed system. So part of

1 the maintenance, we can go in and do bits and pieces.  
2 We try to do that. But unfortunately, for the last  
3 40 years, since the '70s, there hasn't been regular  
4 maintenance so we're dealing with 40 years of  
5 backlog. Hopefully that's answered the question.

6 MR. BRANDON VETTER: What about like --  
7 What about Adopt a Highway, like adopt a drain --

8 MR. STEVE VAN HOEVEN: Hold it. Hold it.  
9 Are you -- Have you signed a comment card?

10 UNIDENTIFIED SPEAKER: It's the guy that  
11 just asked the question.

12 MR. BRANDON VETTER: I just talked.

13 MR. STEVE VAN HOEVEN: Yeah, but it's --  
14 We can ask questions all night long, and I -- you  
15 know, we'll be here until --

16 UNIDENTIFIED SPEAKER: Three minutes --

17 MR. STEVE VAN HOEVEN: -- 3:00 in the  
18 morning. Next person.

19 UNIDENTIFIED SPEAKER: He has three  
20 minutes. That wasn't three minutes.

21 MR. STEVE VAN HOEVEN: I'm not sure what  
22 you're talking about. Curtis -- Curtis Norwood from  
23 2247 --

24 MR. CURTIS NORWOOD: Right here.

25 MR. STEVE VAN HOEVEN: -- Madalene.

1 Curtis?

2 MR. CURTIS NORWOOD: Let's see. I'm one  
3 of the people that signed the petition. And this is  
4 way -- This has like gone crazy. All we needed to  
5 do, we went to the township to help my neighbor. The  
6 reason I signed the petition, he has a tree in the  
7 damn way. So we go to the township and then they  
8 say: Well, no, you got to deal with the drain  
9 commission. We didn't --

10 There's no way we're looking at getting a  
11 whole drain cleaned. We have one little problem  
12 there, we need this tree removed, and that's --  
13 that's really -- Like I'm sitting here listening to  
14 all this thinking this is way blown out of  
15 proportion.

16 And for me, I -- a road used to go through  
17 called Shirley. Van's built a car wash there. We  
18 got screwed on that by the Muskegon Township because  
19 no one ever put a road closed sign out, nothing. I'm  
20 in favor, when I talked to the drain commissioner  
21 about getting the culvert taken out, because we have  
22 traffic going through there. I built -- cost me  
23 almost \$300 to build a barricade and then someone  
24 busted through it. The township never put a road  
25 closed sign up. They didn't even -- I'm sure the

1 code is -- This is off the subject. -- that if a  
2 business goes in in a residential area, they need to  
3 put a fence up. They never did that, either. It was  
4 all hearsay by some guy named Fisher several years  
5 back.

6 But I'm sorry, I'm getting off the  
7 subject, but I do want to just voice the opinion that  
8 we just wanted this tree out of there, that's it.  
9 And now it's --

10 (Whereupon, unintelligible conversation.)

11 MR. CURTIS NORWOOD: Now it's like  
12 gazillion dollar project to do the whole damn thing.  
13 That's all I got to say.

14 (Whereupon, applause.)

15 MR. STEVE VAN HOEVEN: Thank you. And the  
16 next person is Joe Kemp, lives at 750 Jones. Come  
17 up.

18 MR. JOE KEMP: I just kind of had a  
19 question concerning selection of the Board of  
20 Determination. Who actually selected them?

21 UNIDENTIFIED SPEAKER: Drain commissioner.

22 MR. STEVE VAN HOEVEN: The drain  
23 commissioner selects the Board.

24 (Whereupon, applause.)

25 MR. JOE KEPT: Just a follow-up on that.

1 How many candidates were there?

2 MS. BRENDA MOORE: May I -- May I speak  
3 to that, please?

4 MR. STEVE VAN HOEVEN: It is Brenda.

5 MS. BRENDA MOORE: So the drain code says  
6 that the drain commissioner appoints the BOD and  
7 that's just a fact of law. So when I came into  
8 office, what I did is I talked to different township  
9 supervisors and I said: Who has served in the  
10 community maybe on a planning commission or zoning  
11 boards of appeal, people who have been at meetings  
12 who wouldn't freak out if people were rude or loud,  
13 who could have -- keep their head and be objective.  
14 So I got a list of maybe 12 different people and that  
15 was the basis of the training and I asked if any  
16 would be willing to serve. And we try to mix it up  
17 in terms of availability and different members so  
18 they're not always serving together.

19 So yeah, it seems kind of odd that I have  
20 to appoint, but that's the law. But in terms of the  
21 process of finding people, I ask supervisors and  
22 elected officials to get good objective minds that  
23 wouldn't freak out at public meetings, so here we  
24 are.

25 MR. STEVE VAN HOEVEN: So if you're

1 interested in serving on a Board of Determination,  
2 all you have to do is ask the drain commissioner and  
3 she would appoint you. You got more?

4 MR. JOE KEMP: Yes. As a follow-up to  
5 that, is it fair for me to ask if -- if you -- any of  
6 you four have served before and done this before?

7 MS. BRENDA MOORE: I think Tracy is --

8 MR. STEVE VAN HOEVEN: Yeah. I've served  
9 before. I've been at least on three boards, Brenda,  
10 and my secretary has been --

11 MS. JUDY MARCINKOWSKI: Four.

12 MR. STEVE VAN HOEVEN: -- was on four?

13 MS. JUDY MARCINKOWSKI: Yeah.

14 MR. STEVE VAN HOEVEN: Val, how about you?

15 MR. VAL JENSEN: Second time.

16 MR. STEVE VAN HOEVEN: Val is saying that  
17 he has been on the Board now twice. Are you done?

18 MR. JOE KEMP: Yeah. Thank you.

19 MR. STEVE VAN HOEVEN: Thanks for your  
20 questions.

21 Okay. Gary Foster, county commission.

22 MR. GARY FOSTER: Gary Foster. Thank you.  
23 Hi. Gary Foster, county commissioner of District 7,  
24 which is Egelston Township. This is my third Board  
25 of Determination and my hat goes off to you guys

1 sitting up there. Do you realize how much -- what  
2 you're going to do tonight if you approve this? I've  
3 seen this in Black Creek. Black Creek was in  
4 December of 2016. It's now 48 miles long. That's a  
5 lot of people paying a lot of money.

6 We just did this in Holton three months  
7 ago. That Board had enough common sense to say no.  
8 The need for that drain, it wasn't worth the money it  
9 was going to cost. The outcome wasn't worth it.

10 Excuse me.

11 To the engineer. I'm sorry. I seen you  
12 in a lot of places and your slides, I seen them  
13 before. Those can't be Brooks. I mean, come on.  
14 That's the Lorainne Taylor Drain. I'm just saying.  
15 I go to a lot of your stuff and I seen the slides  
16 over and over, and I think I seen one at Brenda's  
17 campaign. I -- I'm just not -- I'm not accusing  
18 you, but change them up a little bit.

19 (Whereupon, applause.)

20 MR. GARY FOSTER: But Board, please take  
21 this very, very serious. You're going to affect 6,  
22 8, 9,000 people who cannot afford this to happen.  
23 You don't realize how many people are on fixed income  
24 in this area. If you approve this, you give her a  
25 blank check. It's not 5,000 a mile no more like she

1 has now to take the trees out. Like that resident  
2 said, that's where that should have come from. She  
3 gets 5,000 per mile to work on drains. You're going  
4 to give her a blank check for over millions of  
5 dollars. And it won't end. It'll grow. I guarantee  
6 it. I see it too often.

7 Thank you. I probably went over my three  
8 minutes.

9 (Whereupon, applause.)

10 MR. STEVE VAN HOEVEN: Thank you. Okay.  
11 Kim Betts, 467 South Broton Road. Can you make it up  
12 front?

13 (Whereupon, unintelligible conversation.)

14 MS. KIM BETTS: Thank you. I am here to  
15 represent the people that live on Broton Road. I  
16 live at 467 Broton Road and we have been experiencing  
17 -- experiencing for quite some time, after living  
18 there for decades, after pipes have been run down  
19 Hall Road, and we don't quite understand how this  
20 drain may be affecting our properties, but we are  
21 constantly pumping water out of our basements, which  
22 we never had to do before. We replaced furnaces and  
23 water heaters and redid basements over the last six  
24 or seven years that for decades we have not had to  
25 do.

1                   So this may not affect us with this drain  
2                   problem, but there is an opportunity somewhere to  
3                   have something addressed that has changed the water  
4                   flow in our area. If this drain is one of those  
5                   things and it's backing up east of it then we'd like  
6                   to know and we'd like to have something go on record  
7                   that would say somebody is looking into this, because  
8                   we have sent e-mails and they take a long time to get  
9                   responded to, and so far mine has went dead in the  
10                  water. So I just want to get that on record that  
11                  east of this area, there is an issue that hasn't been  
12                  there before.

13                   UNIDENTIFIED SPEAKER: Farther down the  
14                   road.

15                   MR. STEVE VAN HOEVEN: Thank you, Kim.  
16                   I missed one thing earlier. We do have one piece of  
17                   correspondence. That's true?

18                   MS. STACY HISSONG: Yeah.

19                   MR. STEVE VAN HOEVEN: There -- there are  
20                   times when people can't make it to hearings like this  
21                   and they e-mail the drain commissioner, send a  
22                   letter, and we want to make sure that that gets into  
23                   the record. And I was told about it earlier and I  
24                   forgot, so can we have the secretary read the letter  
25                   or the correspondence?

1 MS. STEPHANIE BARRETT: Stacy, it was in  
2 your spot.

3 MS. STACY HISSONG: Yeah. I gave it to  
4 Steve.

5 MS. JUDY MARCINKOWSKI: Okay. This  
6 message is dated Wednesday, May 16th, to Brenda  
7 Moore. Question or message: Good evening. I just  
8 had some questions. I live at 400 South Mill Iron  
9 Road and when it rains hard for a long time on  
10 multiple days in a row, we get a pond in our  
11 backyard. And when it was raining and snow is  
12 melting the water was almost to our sliding door. I  
13 was wondering is there any way to have someone come  
14 look at it and see what can be done about it. We  
15 have contacted other professionals and they told us  
16 to talk to our county drainage place. Thank you.

17 And it's from Alexis McCombs. And she's  
18 provided a picture of her flooding or pond in the  
19 backyard.

20 MR. STEVE VAN HOEVEN: Okay. Thank you.  
21 If you pass that on to the commissioner.

22 The next person is Joseph Houseman of 4584  
23 Pine Hollow Court. Joseph?

24 MR. JOSEPH HOUSEMAN: I just have two  
25 questions. One is why is there no preventative

1 maintenance program for this drainage system? And  
2 the second is can residents do repairs on the drain  
3 system in their own backyard?

4 MR. STEVE VAN HOEVEN: Those are questions  
5 for the drain commissioner. I know you talked a  
6 little bit about maintenance already, but Brenda?

7 MS. BRENDA MOORE: I can't speak for what  
8 happened before I took office in 2014. We do have a  
9 backlog of regular maintenance. We're trying to get  
10 protocols in place for regular inspection of walking  
11 things, so we're working on that. It's kind of hard  
12 to go against 40 years of inertia, but we're working  
13 on that.

14 The other thing about people working in  
15 the drain, I tend to say no unless they have the  
16 plans and they have an engineer working with them,  
17 because one of the problems we have in particular,  
18 excuse me, in outlying areas is somebody digs a ditch  
19 and they think deeper is better. And if you dig it  
20 too deep and too wide and what that does is it  
21 invites the water to rush downstream -- Please let  
22 me finish. So that's an example of I -- I get  
23 nervous when property owners want to tamper.

24 If, you know, someone wants to take out  
25 the wood or the logs, of course. I mean, a lot of

1 people have done that on their own for years and  
2 that's certainly appreciated. But when we get a  
3 willow tree that's, I don't know, three, four feet  
4 across, it's a bit much for a property owner. But in  
5 certain cases, like with garbage or wood, absolutely.

6 MR. JOSEPH HOUSEMAN: If I volunteer to go  
7 over there and cut it out of there, you don't have  
8 any problem with that?

9 MS. BRENDA MOORE: There's liabilities and  
10 some other things going on. So if we could talk  
11 offline -- You know, I don't want you cutting off  
12 your arm in the name of the drain commission office.

13 MR. JOSEPH HOUSEMAN: Don't worry about  
14 it. I run a tree ---

15 MS. BRENDA MOORE: I try to be open minded  
16 and creative about how we get things done, so yes.

17 MR. STEVE VAN HOEVEN: You have just a  
18 little bit more time left.

19 (Whereupon, unintelligible response.)

20 MR. STEVE VAN HOEVEN: Okay. So Scott  
21 Anderson, 4318 Tompkins Trail. Scott, are you here?

22 MR. SCOTT ANDERSON: I'm going to pass.

23 UNIDENTIFIED SPEAKER: Pass.

24 UNIDENTIFIED SPEAKER: Pass.

25 UNIDENTIFIED SPEAKER: Pass.

1 MR. SCOTT ANDERSON: Pass.

2 MR. STEVE VAN HOEVEN: You said he's in  
3 the rest room?

4 UNIDENTIFIED SPEAKER: No. He said he's  
5 going to pass.

6 UNIDENTIFIED SPEAKER: He's going to pass.

7 UNIDENTIFIED SPEAKER: He passes, he says.

8 UNIDENTIFIED SPEAKER: He doesn't want to  
9 talk to you.

10 UNIDENTIFIED SPEAKER: He withdraws  
11 (unintelligible).

12 MR. STEVE VAN HOEVEN: Okay. I knew I  
13 would run into some tough names. Robert Michelli,  
14 3983 Cloverville.

15 MS. BRENDA MOORE: He's left. It's  
16 different drain district.

17 MR. STEVE VAN HOEVEN: Okay. No Robert.  
18 Gary Hysell, 3914 Cloverville Road.

19 (Whereupon, no response.)

20 MR. STEVE VAN HOEVEN: Allen Hardenburgh,  
21 789 South Carr Road.

22 MR. ALLEN HARDENBURGH: Right here.

23 MR. STEVE VAN HOEVEN: Allen?

24 MR. ALLEN HARDENBURGH: Thank you. I just  
25 have a question. I grew up on Carr Road. I'm 67

1 years old. When I was a kid, Apple Avenue had  
2 ditches that were four or five foot deep on both  
3 sides. Carr Road had ditches both sides from Hall to  
4 Apple. Who's responsible to keep those ditches and  
5 why aren't they there? From Drent Road east, there's  
6 no ditches along Apple. Could somebody answer that?

7 MR. STEVE VAN HOEVEN: I don't know if I  
8 want to try to answer that.

9 MS. BRENDA MOORE: I could try.

10 UNIDENTIFIED SPEAKER: Let the drain  
11 commissioner answer it.

12 MR. DAN FREDRICKS: I can answer that.

13 MS. BRENDA MOORE: Go ahead. It's okay.

14 MR. STEVE VAN HOEVEN: You want to talk to  
15 one person at a time about those ditches and who's  
16 responsible for water movement.

17 MR. DAN FREDRICKS: Again, Dan Fredricks  
18 of Land & Water Resource Engineering. I'll hit this  
19 as quick as I can. As far as Carr Road itself, that  
20 was never an established county drain. So if there  
21 were ditches on there, that would be the  
22 responsibility of the road commission. So probably 9  
23 times out of 10, if there's a drainage issue on the  
24 road, it's the responsibility of the road commission.

25 As far as the established drain, that was

1           stopped basically just short or right about at Carr  
2           Road.  And sometimes we run the north side -- it's a  
3           little bit on the north side of Apple Avenue, if  
4           there's parts that you go and you look down and say  
5           where's the -- there's a ditch here and all of the  
6           sudden it's gone, those are generally the parts of  
7           the drain that are enclosed in that 18-inch storm  
8           sewer.  And then also remember that M-DOT has a storm  
9           sewer as well on Apple Avenue, M-46, right of way.

10                   MR. STEVE VAN HOEVEN:  Allen, is that all  
11           you have?

12                   MR. ALLEN HARDENBURGH:  Well, one other  
13           question I have.

14                   MR. STEVE VAN HOEVEN:  Hold on a second.  
15           Let me get the mic to you or you can say it without  
16           any mic.

17                   MR. ALLEN HARDENBURGH:  I can say it loud  
18           enough.  You just said that it's an underground drain  
19           along Apple Avenue.  Well, where does it -- If they  
20           put the ditches back in on Carr Road, what do they  
21           do, end at Apple Avenue and the drain is at ground  
22           level?  What good does that do for draining?

23                   MR. STEVE VAN HOEVEN:  You're talking  
24           about the tributary drainage system that's not a  
25           county drain or an established drain.  Am I right?

1           That's what you said earlier?

2                       MR. DAN FREDRICKS:   Correct.

3                       MR. STEVE VAN HOEVEN:   So I don't think  
4           that Dan necessarily is aware of where each roadside  
5           ditch or what the outline is for every ditch along  
6           the way.   Do you know that?

7                       MR. DAN FREDRICKS:   I'll say something,  
8           yeah.   Again, Dan Fredricks, Land & Resource  
9           Engineering.   So yeah, I understand.   So back  
10          historically, there was a ditch along Carr Road and  
11          there was a ditch along M-6, those ditches all fed  
12          into each other.   Now it goes underground and you  
13          tried to re-establish a ditch along Carr Road, you  
14          would have to have an inlet that would go into that  
15          storm sewer, whether it was the M-DOT storm sewer or  
16          the Holland Drain.

17                      MR. ALLEN HARDENBURGH:   And there is one  
18          at ground level --

19                      MR. DAN FREDRICKS:   Okay.

20                      MR. ALLEN HARDENBURGH:   -- at Apple Avenue  
21          and Carr.

22                      MR. DAN FREDRICKS:   Yeah.   And it's very  
23          -- As I said before that it's 18-inch pipe with very  
24          minimal cover, so that is not a very deep storm sewer  
25          system in that area.   But at this point, we -- that

1 was put in, like I said 50, 60 years ago. That's --  
2 I don't know why they decided to put it in at that  
3 depth, but that's what they did back then.

4 MR. STEVE VAN HOEVEN: Thanks, Dan. Mike  
5 Shannahan, 648 South Woodland. Mike?

6 MR. MIKE SHANNAHAN: Thank you. At this  
7 point, I would like to urge this Board to find not to  
8 do this. Myself, all of my neighbors already are  
9 being assessed in a multi-year assessment for the  
10 Round Marsh Drain, so those improvements will help  
11 part of this. We are well out of where the problem  
12 is. I have sympathy for the home owners but you know  
13 what? If a tree falls in my yard, I don't get to ask  
14 taxpayers to pay for it.

15 UNIDENTIFIED SPEAKER: Yeah.

16 MR. MIKE SHANNAHAN: I have to either call  
17 my insurance company or hire a tree service. So  
18 where the biggest problems are, you're asking a huge  
19 taxpayer base, some of us which already are paying  
20 multi-year assessments on a previous project to -- to  
21 be willing to accept taking on yet another  
22 assessment. And in my neighborhood, on top of the  
23 assessment, we banded together and already took care  
24 of a lot of the problems as far as welfare by putting  
25 in sewers, by paving the roads, by putting in water,

1 by limiting the groundwater, and so I think you just  
2 need to let it go and figure out how to take care of  
3 the narrow scope that it is and let maintenance do  
4 what it's supposed to do.

5 (Whereupon, applause.)

6 MR. STEVE VAN HOEVEN: Thank you for your  
7 comment. Quick question for the engineer. The drain  
8 that you referred to, is that one of the tributaries  
9 that you mentioned in the presentation that's a  
10 tributary to the Holland Drain?

11 MR. DAN FREDRICKS: Yes.

12 MR. STEVE VAN HOEVEN: Okay. Next person  
13 is Susie Hughes, 2425 Safari Lane. Did that come  
14 through all right?

15 THE COURT REPORTER: Yes.

16 MR. STEVE VAN HOEVEN: You're quick.

17 MS. SUSIE HUGHES: I am quick. I'm the  
18 county commissioner for Muskegon Township, so I  
19 represent a lot of you today. I have a couple of  
20 questions. Number one, if you took the tree and all  
21 the debris out of the drain where the problem was,  
22 does that solve it? Does that solve their problem?

23 UNIDENTIFIED SPEAKER: Ask the home owner.

24 UNIDENTIFIED SPEAKER: Who you asking?

25 Yeah.

1 MS. SUSIE HUGHES: I'm not saying the  
2 drain commissioner do it, I'm saying if you removed  
3 the tree and removed the debris that caused these  
4 people that signed the petition to have a problem,  
5 does that solve -- does that solve his problem?  
6 Because that's what we're here about, this petition.  
7 Correct? I mean, that sounds like a simple thing to  
8 do to solve the problem and it doesn't involve  
9 hundreds of other homes.

10 Brenda? I guess does that -- would that  
11 solve that problem for the petitioners? Would that  
12 solve the problem for the petitioners?

13 I know this job is hard. I appreciate all  
14 you guys that are up here taking all the questions  
15 from all of us but, you know, I mean, just seems like  
16 a --

17 MR. STEVE VAN HOEVEN: I guess one -- one  
18 thing that I would say is that when a petition is  
19 filed, everybody in the drainage district has an  
20 opportunity to speak about what problems they might  
21 have, not just the petitioners.

22 MS. SUSIE HUGHES: But since I haven't  
23 heard from anybody but them --

24 MR. STEVE VAN HOEVEN: Well, I haven't  
25 been through all the cards yet so --

1 MS. SUSIE HUGHES: But would there --

2 MR. STEVE VAN HOEVEN: -- I'm trying to  
3 say --

4 MS. SUSIE HUGHES: -- would their -- would  
5 their issue be resolved? We don't know. Is that  
6 what you're saying, you don't know if their issue  
7 would be resolved?

8 MR. STEVE VAN HOEVEN: As a Board member,  
9 I don't know.

10 MS. SUSIE HUGHES: Is it the drain --

11 MR. STEVE VAN HOEVEN: Hold on a second.  
12 I'm going to give you the mic back.

13 MS. SUSIE HUGHES: Oh, good. I usually  
14 don't have to have a mic.

15 Another question I have, are -- the  
16 engineer indicated that Brooks, Holmes Street,  
17 Quarterline and Oak, that's a long way from where the  
18 guys signed the petition said they had problems. And  
19 evidently, I'm guessing that none of the  
20 municipalities were contacted by the people or, if  
21 they were, they were sent to the drain commissioner  
22 and we only had just the one petition signed, so I  
23 really have a concern with going forward on allowing  
24 -- allowing a person who financially benefits from  
25 the bigger the project is turning it over. I'm

1 talking about the engineer. I mean, let's face it.  
2 He -- he does not benefit if all we do is fix the  
3 trees and solve the guy's problem. But if we do from  
4 City of Muskegon all the way through Egelston  
5 Township, that's a huge project and he gets a big  
6 financial benefit from that.

7 So gentlemen, I have -- I have a problem  
8 with cutting him loose with all the money -- tax  
9 payer's money to develop a drain when we got one guy  
10 that's got a problem or five people that have a  
11 problem, so I'd like you to take that into  
12 consideration, please.

13 Another thing that I need you to address  
14 that is about the water in this drain. I know we've  
15 had a lot of runoff, a lot of -- a lot of problems  
16 there. You indicated there were some problems at  
17 Pine Hollow and Apple Carr. Both of those are big  
18 developments and none of them have indicated to the  
19 drain commission in a petition that they have any  
20 issues there. The storm sewer drains, a lot of those  
21 are also Muskegon County Road Commission. Muskegon  
22 County Road Commission can be contacted for a lot of  
23 those issues, especially for removing the tree out of  
24 the drain, so I think that there's --

25 I really -- I really ask you to consider

1 the minor issues that have occurred in this position  
2 -- in the petition here compared to what the  
3 potential would affect hundreds and hundreds of  
4 homes. Thank you.

5 (Whereupon, applause.)

6 MR. STEVE VAN HOEVEN: John Hughes, 2425  
7 Safari Lane.

8 MR. JOHN HUGHES: Thank you. I'm John  
9 Hughes. I'm a trustee with Muskegon Township and I'm  
10 also a property owner. I have property in both  
11 Muskegon Township, Egelston Township and the City of  
12 Muskegon, so this really affects me a lot.

13 First thing, don't we get \$5,000 a mile to  
14 take care of drains?

15 MS. BRENDA MOORE: May I -- may I answer  
16 that?

17 MR. STEVE VAN HOEVEN: Okay. I'm going to  
18 give you Brenda Moore.

19 MS. BRENDA MOORE: I've heard this a few  
20 times. I hear this at every meeting and please bear  
21 with me. We don't get \$5,000. We get no general  
22 fund money. We did get a state grant for part of  
23 this work, but we do not get funds. We are able --  
24 We are able to assess up to 5,000 per mile per year.  
25 We still recoup it from people in the district. And

1 even if it's maintenance and I'm doing that little  
2 bit of here, there or whatever, everybody still gets  
3 an assessment for that. That's how the drain code  
4 works.

5 Now if there's -- There's a thing that's  
6 called supplemental benefit, which I won't get into,  
7 but we do not receive money to do any maintenance.  
8 We're allowed to assess that much. Just point of  
9 clarification. Thank you.

10 MR. STEVEN VAN HOEVEN: Want to continue?

11 MR. JOHN HUGHES: Yes. Well, you take a  
12 tree out of the drain, it's not a very expensive  
13 thing and for what the person said, that's all they  
14 wanted done, and you got a lot of people here that  
15 are going to be assessed because of somebody wanting  
16 a tree taken out of the drain.

17 I own a large construction company and  
18 this is something that most people would do  
19 themselves or have somebody do or the drain  
20 commissioner could afford to do without going through  
21 all this here.

22 I mean, one other question I got. To sit  
23 on the Board, are you paid?

24 UNIDENTIFIED SPEAKER: Yes.

25 UNIDENTIFIED SPEAKER: Yes.

1 UNIDENTIFIED SPEAKER: Yes.

2 UNIDENTIFIED SPEAKER: Yes, they are.

3 MR. STEVE VAN HOEVEN: Question about  
4 payment. I know I'm paid mileage.

5 MS. STEPHANIE BARRETT: \$40 stipend and  
6 mileage.

7 MR. STEVE VAN HOEVEN: Oh, I get a \$40  
8 stipend. Okay. So I'm -- I'm paid mileage and \$40  
9 stipend, and that would be the same for all three  
10 Board members. And then that's per the drain code.  
11 Got more? Don't you like that?

12 MR. JOHN HUGHES: You answered pretty much  
13 the questions I had. Thank you.

14 MR. STEVE VAN HOEVEN: Okay. Thank you.  
15 (Whereupon, applause.)

16 MR. STEVE VAN HOEVEN: John Holter,  
17 1199 --

18 MR. JOHN HOLTER: Right here in front of  
19 you.

20 MR. STEVE VAN HOEVEN: Yep. Is that Drent  
21 Road?

22 MR. JOHN HOLTER: Yes.

23 MR. STEVE VAN HOEVEN: Okay. John?

24 MR. JOHN HOLTER: You know, I think there  
25 should be some options as far as even some light

1 maintenance. I think years ago I think the past  
2 drain commissioner would use trustees from the county  
3 jail system. I don't know if that's still allowed  
4 anymore, but I think that would also help to go that  
5 route.

6 But I will tell you, we moved here in '72  
7 to Egelston Township and I can remember back in the  
8 early '80s when Drent Road, you could actually float  
9 boats out to the road. Drainage ditch was put in by  
10 Marty Hulka. We've never had a problem. But I  
11 think, whether people like to hear it or not, in the  
12 last three, four, five years, if you look around, the  
13 water table is up, also. So I think for some of  
14 these pictures of stagnant water, the water table is  
15 up. You can go right over to Five Lakes, I was over  
16 in that area with my zoning administrator there a  
17 couple days ago. I've never seen it that high.

18 So I've got a call to the township, from  
19 all over the township that they're having problems  
20 with water, so it's not just in this Holland Drain.  
21 I think it's everywhere, not just Egelston, Muskegon  
22 Township, as well as all over the county. There's  
23 issues. And I think anybody could tell,  
24 hydrologists, you could dig a hole down two foot and  
25 see water.

1                   So but I -- I want to go back to who is  
2 going to benefit from this project? And I applaud  
3 the gentleman who signed the petition and stand up  
4 and say what he said, because I think if a lot of the  
5 residents would just not put their leaves in the  
6 ditches and do a little extra like that, we wouldn't  
7 be here today. I think we're making more out of this  
8 than really what should be done. So thank you.

9                   (Whereupon, applause.)

10                  MR. STEVE VAN HOEVEN: Thank you. Okay.  
11 For some reason, I think I called this one already.  
12 Robert Conley on Shirley, 923 Shirley?

13                  MR. ROBERT CONLEY: Right here. Yep.

14                  MR. STEVE VAN HOEVEN: I haven't? Okay.  
15 Robert Conley, 932 Shirley. Robert, can you get out  
16 of there?

17                  UNIDENTIFIED SPEAKER: Hand him the mic.

18                  UNIDENTIFIED SPEAKER: We can pass the  
19 microphone. We're not going to keep it.

20                  MR. STEVE VAN HOEVEN: You're sure you're  
21 not going to keep it?

22                  UNIDENTIFIED SPEAKER: You wouldn't like  
23 what I have to say.

24                  MR. ROBERT CONLEY: I started this  
25 petition, I don't know, a year and a half ago. I did

1 not expect anything like this. Two years ago, this  
2 huge tree came down, took out power, lines are still  
3 underneath, they're on the bottom of the drain. I  
4 wasn't worried about that piece. I'm worried about  
5 the piece that's still standing up that's about 25  
6 feet from my garage. This is not even on my  
7 property. I can't legally go there and cut it down.  
8 The dang thing is about three foot around, I'm not  
9 going to cut it down anyways.

10 So everything I did, I went through the  
11 township. They said: No, we can't do anything.  
12 Road commission says: No, we don't do anything, talk  
13 to the drain commissioner. So I went down and talked  
14 to Brenda. She's the only one that wanted to help me  
15 out. Okay? I did a petition. I did not expect  
16 everybody from half the damn county to come down. I  
17 don't think half the county should pay for it, but  
18 I'm not going to pay for it by myself. It's not my  
19 tree.

20 (Whereupon, applause.)

21 MR. STEVE VAN HOEVEN: Thank you, Robert.  
22 And now I know how I remembered your name, because  
23 you're one of the petitioners. Did you circulate the  
24 petition?

25 MR. ROBERT CONLEY: Yes, I did.

1 MR. STEVE VAN HOEVEN: Okay.

2 (Whereupon, unintelligible conversation.)

3 MR. ROBERT CONLEY: I couldn't tell you  
4 that. I don't know whose tree it is.

5 MR. STEVE VAN HOEVEN: George Tinbeck --  
6 no, Tindall. George Tindall, 4599 Pine Hollow Court.  
7 George?

8 MR. GEORGE TINDALL: I know that the  
9 residents of Pine Hollow, we never did petition to  
10 anything. We -- we did have meetings with Mrs. Moore  
11 about everything that's going on in our neighborhood  
12 with -- with the high water table. We -- that was  
13 one of the options and she did do a quick preliminary  
14 study about either going into the Holland or the  
15 Round Marsh Drain. But you know with this, you know,  
16 all these issues that are downstream like we've  
17 already heard and normal maintenance issue,  
18 maintenance would probably take care of all this  
19 stuff.

20 But here is an idea, and I think you had  
21 -- John had a good idea about, you know, some --  
22 getting some trustees from the -- from the prisons,  
23 but let's all get together, instead of using public  
24 funds, and get some of this stuff cleaned up but with  
25 like -- let's have somebody from the drain commission

1 just help organize like -- like a cleanup. I'm --  
2 I'm the grand knight for the Knights of Columbus  
3 council over, it's Fathers Rudy and Clem 13035, and  
4 we do a road cleanup and we do that between Dangl all  
5 the way to US-31. And I don't know if -- and most of  
6 that is the Holland Drain. I don't know how much  
7 trash I picked up. We've had our Boy Scout Troop  
8 1006, they went ahead and do that. Why can't we just  
9 all come together instead of using public funds to do  
10 all this? How about that? Let's -- Isn't that what  
11 we used to do?

12 UNIDENTIFIED SPEAKER: Yeah.

13 UNIDENTIFIED SPEAKER: Yeah.

14 MR. GEORGE TINDALL: All right.

15 (Whereupon, applause.)

16 MR. GEORGE TINDALL: And I got one -- you  
17 know, and this is more for my Pine Hollow  
18 Subdivision. You know, if the Board does determine  
19 with all these comments that they go through with  
20 this, I just have a question. Some of this stuff on  
21 the engineering drawing, with the Round Marsh  
22 discharge for the Pine Hollow, would that be part of  
23 that, even though we didn't petition for that? Would  
24 that be part of this project?

25 MR. STEVE VAN HOEVEN: I'll take the

1 microphone. Was that your last --

2 MR. GEORGE TINDALL: That was my last  
3 question.

4 MS. STACY HISSONG: Steve?

5 (Whereupon, unintelligible conversation.)

6 MR. STEVE VAN HOEVEN: You can answer the  
7 last question, too? This is Stacy Hissong.

8 MS. STACY HISSONG: So a couple times it's  
9 been mentioned about everybody getting together  
10 privately and I commend you for asking to do that.  
11 The laws, with like Adopt a Highway, are different  
12 with drains because a drain is not a public right of  
13 way. Like as an example, if Steve wanted to go and  
14 look at -- go through people's property, look at the  
15 drain, that would be trespass. It's not a public  
16 right of way. It's a drain easement, so it's not  
17 open to the public.

18 And for the drain -- to be honest, for the  
19 drain commissioner to get the liabilities and the  
20 property owner permissions for each person, forms for  
21 -- you know, for each person's property, it would  
22 probably cost more in the administration of that than  
23 the actual work. So I think it is a very good idea,  
24 but you can't go into the next property without us  
25 getting permission because it's not like a road. A

1 road is a public right of way. A drain is -- is not  
2 a public right of way so there's no right for the  
3 public to enter it.

4 I've been asked this question in a number  
5 of different counties and it is -- unfortunately,  
6 it's very difficult. And in terms of somebody going  
7 out there and doing the work, also, I commend you  
8 for, you know, those folks who wish to do that for  
9 offering to do that and, again, it's a different  
10 situation when we're dealing with something that's  
11 regulated, as in a lake and stream.

12 So the open part of this would all be  
13 considered a regulated stream by the DEQ and so to do  
14 anything, even something as basic as taking a tree  
15 out, might require a soil erosion permit from the  
16 county if you wanted to do it. That's not my rule.  
17 That's not the drain commissioner's rule. That's the  
18 State of Michigan rule. And so when we're working on  
19 public infrastructure, we have to treat it like  
20 public infrastructure and make decisions that if it  
21 was my own property and not regulated, I might do it  
22 a different way.

23 So while those are great opportunities and  
24 the law -- The laws aren't just that way anymore to  
25 be able to do those types of things.

1 MR. STEVE VAN HOEVEN: Thank you, Stacy.

2 MR. GEORGE TINDALL: What -- what about  
3 the question about the Round Marsh thing?

4 MS. STACY HISSONG: Oh, okay.

5 MR. GEORGE TINDALL: The engineer?

6 MS. STACY HISSONG: Yep. So the question  
7 as to that, so there is no development. So the Round  
8 Marsh Drain itself, what's established as the Round  
9 Marsh Drain cannot be part of this project. So if  
10 this is determined necessary, there won't be any work  
11 on the Round Marsh Drain itself under this petition.  
12 There could be other maintenance work that takes  
13 place with separate assessments, but not under this  
14 petition.

15 As to what the scope of this project is  
16 going to be, that's not been determined even  
17 preliminarily at this point.

18 MR. GEORGE TINDALL: So our neighborhood  
19 would not benefit whatsoever from what the engineer  
20 has said with the -- going into the Holland Drain,  
21 you just can handle it, so --

22 MR. STEVE VAN HOEVEN: That was George  
23 talking again. Just want to make sure for the court  
24 reporter that the voice is associated with somebody.

25 Okay. Are you set?

1 MR. GEORGE TINDALL: I'm set.

2 MR. STEVE VAN HOEVEN: Okay. We have got  
3 Cheryl Poe?

4 MS. CHERYL POE: Yeah.

5 MR. STEVE VAN HOEVEN: At 2872 East Apple  
6 Avenue. Cheryl?

7 MS. CHERYL POE: Yeah. My name is Cheryl  
8 Poe. I lived just east of the Walker Road  
9 intersection which is where the maintenance of the  
10 sewer system set. Now, the last three of the four --  
11 last four years, last four to five years, we have had  
12 flooding one year so bad that I had two inches of  
13 water in my living room. I have a problem. I have  
14 addressed the drain commissioner when Marty Hulka was  
15 in office at that time. He gave me some drainage  
16 pipe to put along the edge of my house so my house  
17 didn't get flooded and also had the guys come out and  
18 do some cleaning of the ditch. This was after my  
19 whole family went out on Memorial weekend and cleaned  
20 the drain out themselves because it had not been  
21 previously done.

22 So my question is what do we have to do to  
23 get it fixed and what do we have to do to make this a  
24 normal action -- since there are no funds for it,  
25 just make it something that maybe we do all pay for

1 the drain, but only on maintenance, keep it  
2 maintained, then you have that fund to drain up from,  
3 something on that course. I don't agree that the  
4 people who aren't having a problem don't need to pay  
5 but, at the same time, they're not having a problem  
6 maybe because the drainage system isn't just working  
7 for them. It just doesn't work for me. So what can  
8 we do?

9 (Whereupon, applause.)

10 MR. STEVE VAN HOEVEN: Thank you. Does my  
11 Board have any questions about that comment? And  
12 Dan, would you go up and show them where Cheryl is  
13 located? 2872 East Apple Avenue, can you identify  
14 that?

15 UNIDENTIFIED SPEAKER: Right across from E  
16 & A Pit Stop on Apple Avenue by Walker Road.

17 UNIDENTIFIED SPEAKER: East of Apple  
18 (unintelligible).

19 MR. STEVE VAN HOEVEN: Is she right on the  
20 same side of the road as the drain?

21 UNIDENTIFIED SPEAKER: Yes.

22 UNIDENTIFIED SPEAKER: Yes.

23 UNIDENTIFIED SPEAKER: Yes.

24 MR. DAN FREDRICKS: Right where the drain  
25 ditch and it's probably all storm sewer into the

1 open --

2 MR. STEVE VAN HOEVEN: I'm sorry, Dan.

3 MR. DAN FREDRICKS: She's very -- She's  
4 basically right where it transitions from the 18-inch  
5 storm sewer to the open channel.

6 MS. CHERYL POE: And all the water goes --

7 UNIDENTIFIED SPEAKER: Artie's Automotive.

8 MR. STEVE VAN HOEVEN: Is she downstream  
9 from the 18-inch storm sewer?

10 MR. DAN FREDRICKS: Yes -- or yes. Yeah.  
11 So I guess on the map here, which I can't read very  
12 well, here is -- Okay. So here is Walker and then  
13 she's right about in there. The drain goes more or  
14 less from Carr Road here, so she's like right in the  
15 middle.

16 MR. STEVE VAN HOEVEN: Dan, would you  
17 comment about what you think her problem is? Can you  
18 conjecture? No?

19 MR. DAN FREDRICKS: At this point --

20 UNIDENTIFIED SPEAKER: I just want to make  
21 sure she can hear you.

22 MR. DAN FREDRICKS: I would want to go out  
23 there specifically and look at her problem, because I  
24 have not -- I'm not familiar with the area so I don't  
25 want to speculate at this point.

1 MR. STEVE VAN HOEVEN: Thank you, Dan.  
2 Thank you, Cheryl. Board, I'll just take one second  
3 to did that generate any questions for you? I know  
4 with the microphone out here, it's hard for you to  
5 make comments, but I don't want to not include you.

6 MS. JUDY MARCINKOWSKI: I'm good.

7 MR. STEVE VAN HOEVEN: You're okay?

8 MS. CHERYL POE: So I don't think that  
9 question was really answered.

10 MR. STEVE VAN HOEVEN: You feel you had a  
11 question that wasn't answered?

12 MS. CHERYL POE: The whole question wasn't  
13 answered. What can be done about that problem right  
14 there?

15 MR. STEVE VAN HOEVEN: At your location?  
16 Specifically at your location?

17 MS. CHERYL POE: I don't need a tree  
18 removed. I need something done to make the water not  
19 go on my property. I don't care if the water takes  
20 --

21 MR. STEVE VAN HOEVEN: Once again, this is  
22 Cheryl talking and she's asking if there's anything  
23 that can be done at your specific location to help  
24 keep you from flooding?

25 MR. CHERYL POE: Right.

1 MR. STEVE VAN HOEVEN: And Dan doesn't  
2 know. He's the engineer. Of course, you know, he  
3 has not done a full drainage study and evaluate all  
4 the houses.

5 MS. CHERYL POE: Been out --

6 MR. STEVE VAN HOEVEN: I don't think that  
7 anybody has an answer, but that's something that they  
8 can look into.

9 MS. CHERYL POE: I'd like  
10 (unintelligible).

11 MR. STEVE VAN HOEVEN: So you should work  
12 with Brenda, contact her and Brenda can come out and  
13 meet with you and she can bring Dan along and the two  
14 of them can take a look what might be causing your  
15 problem. It's really hard to say what that answer  
16 would be right here, especially for me. Is that  
17 okay?

18 MS. CHERYL POE: Uh-huh.

19 MR. STEVE VAN HOEVEN: Okay. Larry  
20 Herzhaft?

21 MR. LARRY HERZHAFT: Yeah. Larry  
22 Herzhaft.

23 MR. STEVE VAN HOEVEN: 4587 Pine Hollow  
24 Court. Larry, you've been wanting this microphone.

25 MR. LARRY HERZHAFT: Yeah. I could go on

1 and on about most of this stuff that's going on,  
2 especially from the Pine Hollow Subdivision. You  
3 know, I've learned a few things tonight and what  
4 really bothers me is these ditches were never  
5 maintained. You know, we voted a new fire department  
6 in out in Egelston because they didn't take care of  
7 the old one. We have the same dang thing right here  
8 and I hope you people understand that, that we need  
9 to maintain this stuff first before we approve  
10 anything to make sure that that will or will not  
11 solve the drainage problem around here.

12 You know, if everything is cleaned out,  
13 maybe the water will run the hell out of here, maybe  
14 it won't, but now is not the time to make the  
15 decision. I think we need to get off our butts here.  
16 Brenda Moore can seem to find money for everything  
17 else that -- any project that she wants that -- going  
18 with her name on it. We can find some money  
19 someplace to get it taken care of. That's all I got  
20 to say.

21 (Whereupon, applause.)

22 MR. STEVE VAN HOEVEN: Thanks, Larry.  
23 Okay. Stacey Douglas, 2293 Jerome Avenue. Stacey  
24 Douglas.

25 MS. STACEY DOUGLAS: Stacey Douglas, 2293

1 Jerome Avenue.

2 MR. STEVE VAN HOEVEN: 2293 Jerome Avenue.  
3 Is Stacey here?

4 MS. STACEY DOUGLAS: Right here.

5 MR. STEVE VAN HOEVEN: Okay. You're a way  
6 back.

7 MS. STACEY DOUGLAS: I don't need the  
8 microphone.

9 MR. STEVE VAN HOEVEN: Well, yes, you do,  
10 it's -- you know, there's a lot of people in here and  
11 they might not be able to hear. You don't  
12 (unintelligible).

13 MS. STACEY DOUGLAS: Okay. Round Marsh  
14 Drain is -- runs right through our property  
15 diagonally. I did start a petition years ago when my  
16 children were small to see if anything could be done.  
17 The banks of the drain in our yard are very eroded.  
18 Under the road that is culverted, we've had children  
19 fall through it. We have animals and skunks,  
20 raccoons, all those animals. When that child walked  
21 through, there could have been so much that could  
22 have went wrong.

23 We have -- We have put a fence up to keep  
24 our children and our animals safe, but I can't use  
25 that other side of our property. It's frustrating

1 because things -- trees, branches, we try to haul as  
2 much out as we can, but there's still so much more  
3 that can be done. It has not been maintained in  
4 many, many years.

5 And like a few others have said,  
6 maintaining it now and trying to get it to where it  
7 should be will definitely help those who are not  
8 having problems so -- to continue to not have  
9 problems. Our neighbors are constantly pumping out  
10 water from their basements. Their sump pumps are  
11 running non-stop. Something -- It needs to be  
12 cleared out and tried to get a solution for everyone.

13 (Whereupon, applause.)

14 MR. STEVE VAN HOEVEN: Thank you, Stacey.

15 MR. MARK FAIRCHILD: Your drain got fixed  
16 last year and you got assessed.

17 MR. STEVE VAN HOEVEN: And what Stacey was  
18 talking about is a tributary drain. And it's a  
19 drain?

20 (Whereupon, unintelligible conversation.)

21 MR. STEVE VAN HOEVEN: On Jerome Avenue?  
22 What did you call the name of the drain?

23 UNIDENTIFIED SPEAKER: The Round Marsh.

24 UNIDENTIFIED SPEAKER: Round Marsh.

25 MR. STEVE VAN HOEVEN: Tributary?

1 MS. STACEY DOUGLAS: It's Round Marsh and  
2 it was fixed last year, but we're still having  
3 problems on the corner of Jerome and Sidell.

4 MR. STEVE VAN HOEVEN: Brenda, is that a  
5 tributary drain? Is that an established drain?

6 MS. BRENDA MOORE: Yes. That is not Round  
7 Marsh, as far as the --

8 MR. MARK FAIRCHILD: They got assessed  
9 last year.

10 MR. STEVE VAN HOEVEN: (Unintelligible)  
11 established county drain.

12 MR. MARK FAIRCHILD: They didn't even fix  
13 it right.

14 MR. STEVE VAN HOEVEN: Okay. Questions  
15 from the Board?

16 (Whereupon, no response.)

17 MR. STEVE VAN HOEVEN: No? David  
18 Glotzbach. Did I slotter that one? 2356 Monica.  
19 David?

20 MR. DAVID GLOTZBACH: Thank you. You did  
21 pretty good with that. Thanks for being here. I got  
22 a couple of questions. I guess to start out with,  
23 we're going off a preliminary engineering study on an  
24 entire -- how many miles of drain of a petition from  
25 a neighborhood.

1 To start out with, your map is wrong.

2 UNIDENTIFIED SPEAKER: Yep.

3 MR. DAVID GLOTZBACH: The City of Muskegon  
4 versus Muskegon Township bordering Brooks is not even  
5 correct, so that kind of puts everything else kind of  
6 in question.

7 MR. MARK FAIRCHILD: Thanks, chief.

8 MR. DAVID GLOTZBACH: It's interesting, as  
9 well, you go to a letter that was published by the  
10 drain commissioner May 11th, 2018, regarding Kuis  
11 Drain in Fruitport, talks about what can be assessed  
12 and what can't be assessed with bullet points.  
13 Property owners cannot be charged if they do not  
14 derive benefit from the work. The whole district  
15 does not help pay for an isolated work in  
16 subdivisions. It really appears this petition was  
17 driven by an issue within a subdivision.

18 All the pictures that we've seen, clutter,  
19 debris, blockage, I didn't see one photo of that  
20 drain overflowing anywhere, so it's draining. There  
21 are maintenance issues that haven't been up. It  
22 needs to be maintained. It's like we need to do a  
23 coat of paint, but instead we're going to tear it  
24 down to the foundation and rebuild it.

25 (Whereupon, applause.)

1 MR. DAVID GLOTZBACH: Let's start with  
2 some basics, take care of the obvious things, make  
3 the improvements, see where the major issues are and  
4 decide if we got to come back and do something.

5 Not in one of the pictures, not in one of  
6 anything that's been presented shows standing water.  
7 I lived over where the Kent Drain used to be, 7472  
8 Kent Street, that's high water. It's been high water  
9 for as long as this ground has been there. I built a  
10 house there. I built it two feet higher than  
11 everybody else. I did my homework. I know what the  
12 water table was before I went in and created a bigger  
13 problem for myself. All my neighbors had water  
14 problems. I didn't. I did my homework.

15 Let's deal with the problems for  
16 maintenance first instead of just tearing everything  
17 down and rebuilding it.

18 (Whereupon, applause.)

19 MR. STEVE VAN HOEVEN: Thank you, David.  
20 Okay. Sharri Domke. Sharri lives at 469 -- excuse  
21 me, 4639 Pine Hollow. Sharri?

22 MS. SHARRI DOMKE: Thank you. I just want  
23 to express what we're going through in Pine Hollow,  
24 just to throw it out there. People are suffering.  
25 We pump water non-stop. My front yard is a pond

1 right now. I literally have ducks in the front yard.  
2 As we speak right now, my basement is filling with  
3 water right now. We are suffering. We need some  
4 sort of help.

5 I don't think levying an assessment on  
6 everyone is a huge -- I don't think that's the  
7 answer. I think these problems are isolated. I feel  
8 with Shirley here over on Walker. I totally agree  
9 with everything you said. And we just -- we need to  
10 fix the problems that are problems.

11 UNIDENTIFIED SPEAKER: Amen.

12 MR. STEVE VAN HOEVEN: Before you leave,  
13 how long have you owned the house?

14 MS. SHARRI DOMKE: I've lived there for 13  
15 years. Every year, it gets worse.

16 MR. STEVE VAN HOEVEN: Are you the first  
17 owner?

18 MS. SHARRI DOMKE: I bought the house new,  
19 yes.

20 MR. STEVE VAN HOEVEN: Joshua is it  
21 Charney?

22 MR. JOSHUA CHARNEY: Charney,  
23 C-H-A-R-N-E-Y.

24 MR. STEVE VAN HOEVEN: Okay. I can't read  
25 that last part. The address is 5717 Lane Avenue.

1 Joshua?

2 MR. JOSHUA CHARNEY: All right. For  
3 people who have water in their basement, I'm sorry.  
4 The water table is high. My brother lives on the  
5 mountain in Vermont and he's constantly pumping water  
6 out of his basement. He lives on a hill. So any  
7 drainage ditch you put in is not going to solve that  
8 problem.

9 How much did we pay for this study?

10 MR. DAN FREDRICKS: Actually --

11 MR. STEVE VAN HOEVEN: Hold it. Dan, do  
12 you know the answer to that question? Okay. This is  
13 Dan Fredricks.

14 MR. DAN FREDRICKS: I don't know the exact  
15 amount, but this study was paid thorough a grant that  
16 was from the State of Michigan.

17 MR. STEVE VAN HOEVEN: Thank you, Dan.

18 Joshua?

19 MR. JOSHUA CHARNEY: All right. Without  
20 any doubt, even if the money came from state  
21 taxpayers, you were paid. The drain commissioner,  
22 I'm assuming, does levy assessments. Do you know how  
23 much that costs each of us? Because you say you  
24 can't charge per mile, but you can levy assessments.  
25 How much are you bringing in? What are your

1 operating costs? How do you get that money and how  
2 much is it?

3 MR. STEVE VAN HOEVEN: Brenda?

4 MS. BRENDA MOORE: I'm not sure I  
5 understand the question. Per district, we have  
6 separate accounts for each district. The only way --

7 MR. JOSHUA CHARNEY: So for this drain?

8 MS. BRENDA MOORE: Yes. And the only way  
9 we get money for that, I repeat, we can raise up to  
10 5,000, but the only way we can do that is  
11 assessments. And part of those assessments go to the  
12 county, part of them go usually to the township, and  
13 then to the residents at large.

14 So in terms of an assessment on the  
15 Holland Drain, it hasn't happened. We've been able  
16 to cover the costs, either with M-DOT paying or the  
17 grant that Mr. Fredricks talked about, so there has  
18 not been assessment yet.

19 MR. JOSHUA CHARNEY: So there's zero  
20 assessment in the drain, other than the subsets?

21 MS. BRENDA MOORE: You mean subsets like  
22 the Kent and Round Marsh?

23 MR. JOSHUA CHARNEY: Right.

24 MS. BRENDA MOORE: Yes, sir.

25 MR. JOSHUA CHARNEY: Other than those?

1 MS. BRENDA MOORE: Those are actually --

2 MR. JOSHUA CHARNEY: The rest of the  
3 Holland Drain we received no money (unintelligible).

4 MS. BRENDA MOORE: Kent was a petition and  
5 we looked at the whole system, that's an assessment.  
6 Round Marsh was actually an emergency collapsed  
7 culvert in one spot. We didn't do much on the rest  
8 of the drain.

9 Answer your question, sir.

10 MR. JOSHUA CHARNEY: Yes.

11 MS. BRENDA MOORE: Okay.

12 MR. STEVE VAN HOEVEN: Okay. Joshua,  
13 more?

14 MR. JOSHUA CHARNEY: Yeah. All right. So  
15 even if you're not receiving money, it's \$160 for  
16 these folks to be here, their time, all of our time.  
17 You're getting mileage, so I'm assuming about \$200.  
18 I'm assuming one of the gentlemen here that had the  
19 tree service before could have removed that stump,  
20 which was the original problem, for \$200, so we're  
21 doing all this over something, if you'll listen to  
22 what they wanted, you could have fixed a long time  
23 ago.

24 And the expansion of the map, your map  
25 that you have on your website is smaller than that.

1 You kind of explained the expansion at the beginning.  
2 The engineer said nothing east of Carr Road was going  
3 to drain into that and that the ditches or the road  
4 commission problem.

5 For the Board, your charge is to determine  
6 whether maintenance and improvement is necessary and  
7 conducive to public health, convenience and welfare.  
8 Engineer is not qualified to give any information on  
9 that. I can tell you I've got no health problems. I  
10 haven't heard anybody else say that they've had  
11 health problems, welfare problems or convenience that  
12 would be affected or fixed by this problem.

13 (Whereupon, applause.)

14 MR. STEVE VAN HOEVEN: Thank you, Joshua.  
15 Jennifer Hernandez, 2680 Ducey Ave.

16 MS. JENNIFER HERNANDEZ: That's me.

17 MR. STEVE VAN HOEVEN: Okay.

18 MS. JENNIFER HERNANDEZ: Hi. This may not  
19 -- Just one more point to make. I just want to urge  
20 the Board to recognize that the scope of this project  
21 is unnecessary. While there may be some individual  
22 locations that could use some attention, I'd like to  
23 then urge the drain commissioner to listen to those  
24 few people a little bit more closely before  
25 commissioning such a large project that's going to

1 impact so many people. When we've heard from  
2 multiple people that they have no issues versus a few  
3 that do, let's focus on maintaining our drains and  
4 also listening to our residents with these single  
5 concerns. I just want to urge that over and over  
6 again.

7 (Whereupon, applause.)

8 MR. STEVE VAN HOEVEN: Comments from the  
9 Board?

10 (Whereupon, no response.)

11 MR. STEVE VAN HOEVEN: Okay. The next  
12 person is Tony Barnes from Dalton Township, outside  
13 of the drainage district. I appreciate everybody  
14 sticking to the time limit or close to that. It's  
15 been great tonight. Tony?

16 MR. TONY BARNES: Thank you. You might be  
17 asking why I'm here tonight. My name is Tony Barnes.  
18 I live in Dalton Township. I am the supervisor of  
19 Dalton Township and I just wanted to let everyone  
20 know that this Board's job is to make sure that they  
21 vote on whether there is maintenance/improvement is  
22 necessary for the conductive -- or public health and  
23 -- excuse me for one second. Oh, and for the  
24 convenience and the welfare. We haven't heard any  
25 testimony on that tonight. None. There's no sewers

1 that are backing up. There's nothing that's going to  
2 cause anybody adverse health.

3 These projects have a tendency, and maybe  
4 -- You don't know this, but we do because we're  
5 stuck with a drain right now. What happens is the  
6 drain commissioner, once this gets done and they jam  
7 this through, you got -- they got to charge more than  
8 one percent or up to one percent more than what the  
9 bond rate is. So a project that could be really,  
10 really simple, it's four miles long, I can tell you  
11 right now is going to cost you a lot of money.

12 So there's other ways to do this and I  
13 would urge this Board to seriously consider saying no  
14 to this project. Thank you.

15 (Whereupon, applause.)

16 MR. MARK FAIRCHILD: Thank you,  
17 Mr. Barnes.

18 MR. STEVE VAN HOEVEN: Okay. Just a  
19 reminder that the Board determines whether the drain  
20 improvements are necessary or not necessary. We  
21 don't determine the scope. I know that was brought  
22 up at the last speaker.

23 Moving forward, Dan Willea, 5450 Russ  
24 Avenue. Dan?

25 MR. DAN WILLEA: I'll let it slide. It's

1 Willea.

2 UNIDENTIFIED SPEAKER: Tell him to use the  
3 mic.

4 MR. DAN WILLEA: It's Dan Willea. Anyway,  
5 as far as the map goes and so on and so forth, it's  
6 quite a large, large area for basically what they  
7 call it that has to be -- really has to be done. The  
8 cost versus the benefit factor doesn't really add up,  
9 especially in the Wolf Lake area. Now I live a  
10 quarter mile off of Apple Avenue just west off of  
11 Wolf Lake Road and doesn't -- the Holland Drain  
12 doesn't concern me at all whatsoever or any of the  
13 houses up in the subdivisions up there off -- north  
14 of Hall Road.

15 As far as the other drain goes, I work for  
16 the county -- I worked for the county wastewater  
17 system for five years. And from there on, that  
18 drains off and goes into Black Creek alongside and  
19 behind APS there on Apple Avenue across from  
20 Mr. Scribs and that's where that drains at.

21 There doesn't seem to be a -- any, any  
22 problem whatsoever up in those areas that -- that's  
23 in this map that you -- that you've got here. You  
24 know, and like I say, there was no -- no problem with  
25 -- like Mr. Glotzbach said, you didn't see anything

1 wrong with anything backing up or overflowing or  
2 anything like that.

3 And yeah, we've got -- Muskegon County is  
4 a high water table county anyway to begin with. And  
5 hell, just this month, we've had over four inches of  
6 rain. Now the ground can only take so much water  
7 before it puddles up. Okay? It doesn't take an  
8 engineer to know that.

9 So as far as what I see, I agree with  
10 everybody else is it seems to be a maintenance issue.

11 UNIDENTIFIED SPEAKER: Yep.

12 MR. DAN WILLEA: That seems to be a  
13 maintenance issue.

14 UNIDENTIFIED SPEAKER: Yes.

15 MR. DAN WILLEA: So as far as Egelston  
16 Township, I don't think we should even be in there,  
17 as far as I'm concerned, and the majority of Muskegon  
18 Township. And as far as assessments go, you want to  
19 talk about assessments on a drain project, talk to  
20 the people in Fruitport Township. They got hammered.  
21 I heard somebody's assessment was up to \$20,000 a  
22 house.

23 MS. BRENDA MOORE: No, sir.

24 MR. DAN WILLEA: Okay. But they got  
25 hammered.

1 UNIDENTIFIED SPEAKER: Over 10.

2 UNIDENTIFIED SPEAKER: 12 to 13.

3 MR. DAN WILLEA: Over 10? Over 10? I  
4 thought you could only assess up to 5,000. How did  
5 it get up to 10?

6 Anyway, this is -- To the Board, this  
7 is -- this is totally an unnecessary thing, really it  
8 is, as far as -- as far as the cost versus benefit.  
9 All the man wanted was a tree removed out of the  
10 drain and look what we got here tonight.

11 So thank you very much.

12 (Whereupon, applause.)

13 MR. STEVE VAN HOEVEN: Thanks, Dan. If  
14 you do have -- If you feel like you're on the  
15 perimeter of the drainage district and you may or may  
16 not be in and you want to discuss that with the drain  
17 commissioner, definitely should go with that issue.

18 Okay. John and Tina Ramones, 1809 Ada  
19 Avenue. John or Tina, are you here?

20 (Whereupon, no response.)

21 MR. STEVE VAN HOEVEN: We've got looks  
22 like Kerry Hunt.

23 MR. KERRY HUNT: Bring me that mic.

24 MR. STEVE VAN HOEVEN: 2580 Kent. I think  
25 I'm saying that right. Is that an N?

1 MR. KERRY HUNT: Question for Brenda.  
2 Have you guys tried using the National Guard from  
3 Montague that have 250 pieces of rolling stock and  
4 they look for projects to do? They have their own  
5 insurance. All you have to do for a project is pay  
6 their fuel costs and we'll -- I bet you within about  
7 two or three drill weekends, they can have that whole  
8 drain, the whole five miles, cleaned out. They would  
9 not be replacing tiles, but they could clean the  
10 ditch and got the equipment and expertise to do it.  
11 They're a state organization, as long as they can be  
12 paid whatever fuel cost, which is a whole lot less  
13 than what all of us are going to be charged.

14 (Whereupon, applause.)

15 UNIDENTIFIED SPEAKER: Army Corp of  
16 Engineers.

17 MR. STEVE VAN HOEVEN: Brenda,  
18 (unintelligible) give you an opportunity to speak.  
19 Would you like to speak to that one?

20 (Whereupon, unintelligible conversation.)

21 MR. STEVE VAN HOEVEN: Okay. She  
22 understands your concern. Dean Hibbs, 790 Jones  
23 Street. Dean?

24 MR. DEAN HIBBS: Yeah. I live north of  
25 Apple Avenue between Jones and Walker. And my

1 drainage is not broke so don't fix it. I had a  
2 letter here back in 2006, a certified letter, saying  
3 that they accused me of filling in my ditch. I went  
4 down to the Muskegon County Road Commission to their  
5 meeting and they said that they'd look at it. They  
6 came out and they said: Well, you used to have  
7 culverts underneath your driveway that filled up. I  
8 said: Yes. You guys did that. Then they realized,  
9 well, there's culverts underneath your driveway, how  
10 come there wasn't any underneath Oak Street, which  
11 runs east and west of my road. They said they did a  
12 test on it. They said there's nothing wrong with  
13 your drainage. It's worked since --

14 I bought that house in 1996 and I never  
15 had a problem.

16 (Whereupon, applause.)

17 MR. STEVE VAN HOEVEN: Thank you, Dan.  
18 Jeremy is it Hoeker?

19 MR. JEREMY HOEKER: Hoeker.

20 MR. STEVE VAN HOEVEN: 3110 Pinewood Lane.  
21 Jeremy?

22 MR. JEREMY HOEKER: First of all, just  
23 remember we're all going to be paying for this  
24 because 10 percent is going to be your municipalities  
25 that are paying and then 20 percent is what the

1 county will be paying, so you will also be paying.  
2 Whatever this assessment is, you'll be paying taxes.

3 But I also have another question for  
4 Brenda, specifically. And she says that she has a  
5 problem coming up with a solution for maintenance.  
6 You can assess 5,000 per mile, so what's stopping her  
7 from just assessing per -- per mile and doing the  
8 maintenance?

9 MR. STEVE VAN HOEVEN: Brenda, would you  
10 like to try that? I know she keeps saying that she  
11 would have to collect tax money from the drainage  
12 district to do maintenance. I guess I -- I -- What  
13 I hear is the people are requesting that.

14 UNIDENTIFIED SPEAKER: That's not true.

15 (Whereupon, unintelligible conversation.)

16 MR. STEVE VAN HOEVEN: I'm going to stay  
17 away from that one as a Board member. I think what  
18 is at issue here is for maintenance, where does the  
19 tax money come from? And my answer will be from the  
20 drainage district. Now remember that your local  
21 units of government are part of that drainage  
22 district. So I'm not saying that they wouldn't  
23 contribute, but I'll let Brenda answer that. Brenda?

24 MS. BRENDA MOORE: Well, that's a really  
25 good question, actually. We haven't gotten around to

1            assessing Holland. We could based on the fact that  
2            it's 4 point some miles, we could collect 25,000. I  
3            got a quote for the tree that folks think they can go  
4            down and take out that was part of the petition,  
5            \$15,000. And I'm not -- I didn't take it. I didn't  
6            -- Hear me out. I didn't take it. But I invite  
7            you to go look at it.

8            But your average culvert, if we replace a  
9            culvert, would be 10, 15,000 right there. The money  
10           just doesn't go that far. We could -- And here's  
11           the other part of it. We can assess. And what I --  
12           we can do, and I can -- we haven't gotten to that yet  
13           because we have petitions, is I could do 25,000 year  
14           1, 25,000 year 2, 25,000 year 3, and then we  
15           piecemeal it. And what ends up happening, a lot of  
16           ways -- and we can certainly do this, is to mobilize  
17           a contractor. We take bids and we go through that  
18           whole thing. But to mobilize, get out there and do a  
19           certain amount of work, then they go away, they come  
20           back, you're paying a lot. The economy scale for  
21           mobilization to do this piece, this piece, this  
22           piece, gets quite expensive now.

23           That's certainly an option, but I got a  
24           petition before we had the actual assessing. And a  
25           lot of these we haven't assessed because we're so

1           backlogged with stuff that we're doing. A two-person  
2           operation can only handle so much.

3                       MR. STEVE VAN HOEVEN: Thank you, Brenda.  
4           Scott -- and I'm just having a hard time reading the  
5           writing here. S-P-E-R-R, Sperr? 811 South Brooks  
6           Road. Is Scott here?

7                       (Whereupon, no response.)

8                       MR. STEVE VAN HOEVEN: Once again, a  
9           writing issue. I'm not saying your writing is bad,  
10          but you kind of run one letter into the next and it's  
11          a little hard to see it. Jeff is it Collins?

12                      MR. JEFF COLLINS: Collins.

13                      MR. STEVE VAN HOEVEN: Collins, 837 Center  
14          Street. Here's your chance.

15                      MR. JEFF COLLINS: I got a chance.

16                      MR. STEVE VAN HOEVEN: You got a lot to  
17          say.

18                      MR. JEFF COLLINS: They already came  
19          through my yard. You got -- Everybody here is  
20          welcome to come to my house. My -- my grass, I got  
21          15-foot spread between my yard. The grass is just  
22          tore up. It's dirt. It's dirt. She didn't make  
23          sure everything was taken care of. What they did --  
24          And I'm on that Marsh Drain. They was all through my  
25          yard.

1           I asked her to follow up. I got a yellow  
2           and white house. I maintain it every year. I do my  
3           grass all the time. I had thousands of flowers that  
4           we had to tear up. I lived there -- My -- my garden  
5           fence is gone. My shed got tore out. The fence they  
6           put back in is weak. You got to see what they put  
7           in. I had old fence, sturdy. They put in this --  
8           She paid these people. She paid these people my  
9           money to put my fence back. It goes down, it's like  
10          this. They left the cement on the -- on the -- on  
11          the fence because they came right through my yard.  
12          They left a fence and cement on there, they threw  
13          that back in the ground. She still paid these  
14          people.

15                 My yard looks like shit, for sure, and  
16                 everybody is welcome to come. Just over at 837  
17                 Center Street. I live over here. She dug -- They  
18                 -- When they do these things, they got to make sure  
19                 they put the same stuff back in the ground. The  
20                 aggregates, the sand, the soil, everything is  
21                 supposed -- She -- Ask her if she did it. Brenda,  
22                 did you take care of this? Did you make sure to put  
23                 it back correctly, both you two? Nobody did. Nobody  
24                 did.

25                         My fence is still falling down. If a kid

1 comes over and gets hurt, I'm going to bring the bill  
2 to her. They cleaned up -- They left -- I would  
3 just recommend everybody come see what she did to my  
4 house. It was totally ridiculous.

5 Mark -- Everybody -- The whole  
6 neighborhood come over and looked at this thing.  
7 It's unbelievable, what my yard looks like. She  
8 won't fix it. You know what she told me? Sue me.  
9 This is what she told me, sue me. So instead of  
10 suing me, I'm here to tell everybody what's going on  
11 in my yard. My fence is falling down. You know  
12 this. Come on over, Brenda. Come on over and let's  
13 see it.

14 I paid good money for this. It went all  
15 the way across my yard like 60, 80 feet down to a  
16 culvert. They wanted to put a -- They wanted to put  
17 a ditch in the back all the way down my yard, all the  
18 way back across about 45, 50 feet the other way.  
19 They tore up my fence, they put a cheaper fence up.  
20 My fence is falling down. And like I said, she  
21 didn't make sure anything was done correctly.

22 And she just don't care. Look at her.  
23 Come on, Brenda. Let's talk. I want you to tell  
24 everybody what you're going to do if you do come into  
25 their yard, because I'm sorry for your yard, because

1           they're going to probably tear this thing apart. And  
2           wait until you see this yard. I fertilized half this  
3           thing over and over. They put in sand, dirt,  
4           garbage. They could have hydroseeded it. I mean,  
5           come on. They went all the way through my yard, all  
6           the way back, and I got a long yard and all the way  
7           across.

8                           And I understand they had to put this  
9           drain in because -- because on --

10                           UNIDENTIFIED SPEAKER: Three minutes is  
11           over.

12                           MR. JEFF COLLINS: You look and see what's  
13           going on. Okay. What happened is when we had that  
14           earthquake two years ago, I called them up because I  
15           had to dig a ditch and I fell walking. I tripped.  
16           What's going on. It was like 10:00 o'clock at night.  
17           I fell. I explained to them all I needed get this  
18           thing fixed and she said she couldn't do nothing.  
19           She won't let us clean the drain. She won't let us  
20           clean through there, so basically we're going to go  
21           all on her, whatever she thinks is right, whatever  
22           she thinks is okay. And that's what you guys are  
23           going to get. And yeah, either way.

24                           (Whereupon, applause.)

25                           MR. STEVE VAN HOEVEN: Thank you.

1 MR. JEFF COLLINS: Going to cost a bunch  
2 of money.

3 MR. STEVE VAN HOEVEN: Brandon Vetter, did  
4 I call you already?

5 MR. BRANDON VETTER: Yep.

6 UNIDENTIFIED SPEAKER: Yep.

7 MR. STEVE VAN HOEVEN: Clyde Brown, no  
8 address given.

9 UNIDENTIFIED SPEAKER: In the back.

10 MR. STEVE VAN HOEVEN: We'll have him come  
11 to the mic.

12 MR. CLYDE BROWN: Let's not make it worse  
13 than it is.

14 MR. STEVE VAN HOEVEN: Sorry.

15 MR. CLYDE BROWN: Both of my covering  
16 points have been answered, except for the four-mile  
17 ratio of who is paying. I still haven't been able to  
18 figure that out.

19 But it does sound like a maintenance  
20 problem. I mean, for the one lady there that's left  
21 and the fellow up there with the problem with his  
22 backyard, if all this business had been taken care of  
23 year by year, but we don't even know what that is  
24 because somebody hasn't tabulated something because  
25 she's too busy. So I don't know how anybody with a

1 fixed income like I got can plan on paying next  
2 year's taxes with what I might have to pay other  
3 taxes for.

4 So you know, it'd be nice if when  
5 something like this is presented they have some kind  
6 of ballpark figure for us about what it's going to be  
7 or -- you know, instead of pulling our legs out from  
8 under us and bring it to us like this and having --  
9 It's out of our hands. We're not even the ones  
10 picking it. It's up to them. That doesn't seem fair  
11 at all because I think it would come to a vote  
12 tonight. And if -- well, what's her name down there,  
13 gal in the red, if she was making a motion, I sure as  
14 heck would have seconded it as far as being a  
15 maintenance problem and everybody not jumping in the  
16 rabbit holes all the time.

17 Well, my goodness, I'm going to stop this  
18 because I know we're pressed for time and some of  
19 these people got important places to go and things to  
20 do.

21 MR. STEVE VAN HOEVEN: Thanks, Clyde.

22 (Whereupon, applause.)

23 MR. STEVE VAN HOEVEN: All right. I got  
24 another one that's -- this is easy to read, but it's  
25 not very specific. Linda B, address not in the

1 district.

2 MS. LINDA BARNARD: Right here.

3 MR. STEVE VAN HOEVEN: Linda, would you  
4 like to come up front?

5 MS. LINDA BARNHARD: I'll meet you  
6 halfway.

7 MR. STEVE VAN HOEVEN: Well, yeah. Linda.

8 MS. LINDA BARNHARD: I would like to hear  
9 from each one of the people up there what have you  
10 heard tonight that shows this is bad for the people's  
11 welfare and health? Do each one of you's have an  
12 answer for that? Have you heard anything that shows  
13 it's bad?

14 MR. STEVE VAN HOEVEN: Brenda, what was  
15 your last name?

16 MS. LINDA BARNARD: Brenda? I'm Linda  
17 Barnhard.

18 MR. STEVE VAN HOEVEN: I'm sorry.  
19 Barnhard?

20 MS. LINDA BARNHARD: Yes.

21 MR. STEVE VAN HOEVEN: Okay. That was  
22 Linda Barnhard. Did you -- Did you get the address?

23 MS. LINDA BARNHARD: No. 3561 Kersting.

24 MR. STEVE VAN HOEVEN: Now in answering  
25 that question, after everybody has had a chance to

1 talk that turned in a card, what I'm going to do as  
2 the chairman is close the public input part, when  
3 your opportunity to talk would be done then, and then  
4 we're going to deliberate as a board. And we're  
5 going to deliberate right in front of you and I'm  
6 going to ask right now that you're all be quiet while  
7 we talk so you'll get to hear what we say and  
8 understand what's behind the decision that we make.

9 MS. LINDA BARNHARD: Do I get an answer to  
10 my question?

11 UNIDENTIFIED SPEAKER: Answer the  
12 question.

13 MR. STEVE VAN HOEVEN: I didn't do it?  
14 Ask me the question again.

15 MS. LINDA BARNHARD: So far, what has each  
16 one of the members up there heard tonight that shows  
17 this drain project is bad for the people's welfare --  
18 health and welfare?

19 MR. STEVE VAN HOEVEN: That will be part  
20 of our deliberation after everybody has a chance to  
21 talk. We'll talk about that.

22 MS. LINDA BARNHARD: You're going to tell  
23 what they -- what it shows?

24 MR. STEVE VAN HOEVEN: Or what doesn't  
25 show it. Is this conducive to public health, welfare

1 and convenience or is it not? That's what we have to  
2 decide and so that's what we're going to talk about.

3 MS. LINDA BARNHARD: Okay. All right.

4 UNIDENTIFIED SPEAKER: Answer the  
5 question.

6 UNIDENTIFIED SPEAKER: Have you heard  
7 anything so far?

8 MR. STEVE VAN HOEVEN: I'm not going to  
9 speak before the deliberation period about that.

10 UNIDENTIFIED SPEAKER: Maybe we can help  
11 you is the point we're getting to.

12 MR. STEVE VAN HOEVEN: You've been doing a  
13 good job helping.

14 Okay. Next person, Tammy B, not in the  
15 district. Tammy, would you like to talk?

16 MS. TAMMY BARNARD: I certainly would.  
17 Thank you.

18 MS. STEVE VAN HOEVEN: I need a last name  
19 and address.

20 MS. TAMMY BARNHARD: My name is Barnhard  
21 and I live at 3561 Kersting Drive. Now I am not in  
22 your district, but I am in the county. And as part  
23 of the county member, if this gets approved, I'll  
24 have to pay for part of what's going on tonight. And  
25 actually, I'd like to thank all of you because you're

1 in the county. You helped pay for our 2.7 million  
2 dollar drain as being part of a county member, you  
3 got a county assessment for that, so thank you for  
4 paying for part of our drain, which we don't need.

5 Now I want to tell you what happened in  
6 the Kuis Drain that -- that happened to us. And  
7 these are facts, so I'll just stick to the facts.  
8 The people got up and spoke at our Board of  
9 Determination. 26 people were for against it --  
10 against it, 26 against and 6 went with it, they  
11 wanted to have something done. They certainly didn't  
12 want the scope of what it could be.

13 So I hope that this Board listens to the  
14 facts and determines what's right for you people, not  
15 just giving the drain commissioner a blank check, and  
16 that's what will happen. If this gets approved, the  
17 drain commissioner has a blank check. Like I said,  
18 our drain cost 2.7 million, something like that, in  
19 that ballpark. And who -- And our drain -- our  
20 drain was only 3.2 or 3.3 miles. Yours is bigger  
21 than that, so you're -- God help you.

22 This happened. My personal assessment is  
23 over \$12,000 for something I've never had a problem  
24 with, that I've lived there for almost 15 years. And  
25 the water table has been increasing, but I've never

1 had a problem. What the drain commissioner told me  
2 was I have a problem, I just don't know it and that's  
3 why I have to be assessed this amount of money.

4 Now, let's see. The county drain  
5 commissioner did not back the bond. And even though  
6 every single person was -- 103 people that were in  
7 this district for contract two, and out of those  
8 people, 86 of those people signed it saying -- signed  
9 a statement, someone notarized, and even some who  
10 signed the initial petition notarized it saying we  
11 don't have a problem no more, so there was actually  
12 -- there is actually no more health or welfare  
13 condition, yet if the county board didn't give give  
14 their approval for a bond so the drain commissioner  
15 still went behind the backs of the county and what  
16 the people wanted because this Board of Determination  
17 was approved and went and got a bond approved for  
18 even a higher rate than what we should have had, even  
19 though the work shouldn't have been done anyway.  
20 Nobody has a health and welfare, there's no problems  
21 anymore. People signed that and still pushing this  
22 together.

23 And if you think it's just for the drain  
24 cleaning, that's what could happen. The people who  
25 have flooding, what they're going to want to do is

1 put in a storm sewer in front of your house, and  
2 that's how I got assessment of \$12,000. And even  
3 though I wasn't initially in the district --

4 And that's another thing that's confusing  
5 about this that somebody should ask is -- is if  
6 you're here and you're not even in the district, are  
7 you going to be in the district or are you not? If  
8 that's not determined, how can you appeal? You have  
9 only 10 days to appeal, which is very expensive. How  
10 can you even appeal that? I don't -- I don't see how  
11 you can even have a winning case with anything that  
12 goes on so far anyhow.

13 Also, this company that -- that did it for  
14 our -- for our area, let me tell you, they wanted to  
15 replace a culvert for the tune of \$70,000. Well, the  
16 road commission came out and determined that that  
17 culvert had 25 years left of service life left in it.  
18 So what happened was the drain commissioner conceded  
19 and say, okay, well, we won't -- we'll take that off  
20 the table, then.

21 Another thing is we have a farmer who  
22 works a greenhouse and he has a three-foot berm  
23 around his property because he wants to keep his  
24 water on his own property. The drain commissioner  
25 told him his water is still going toward the drain.

1 I don't know how it could go uphill 3 feet and then  
2 down to the drain, yet he's being assessed it was  
3 40,000, but he sued her and they came up with some  
4 agreement and now his is only 20,000, so I guess that  
5 did help.

6 Getting close to the end. Let's see.  
7 Let's see. Let's see. So again, I think it could be  
8 done with a 5,000 a year and it's -- I don't see  
9 anywhere that anybody is pressed that this is a  
10 necessity. If people have their basements running,  
11 they're pumping water all time, they're just going to  
12 have to continue to pump or pay for their house moved  
13 up, depending how far you move it up. In our  
14 neighborhood, it was 20 and \$30, and hopefully you  
15 have good insurance to move it up. Otherwise, the  
16 only other option would be to try this storm sewer  
17 thing, which everybody has to pay for, and I don't  
18 think it's fair.

19 Good luck to you all. If you don't have a  
20 problem and you don't think this is necessary and  
21 it's not impairing your life or health, you better  
22 get up here and say something, get on the record.  
23 And if you don't, then that's on you. Every single  
24 one of you should get up here and say something.

25 Good luck to you all. Thank you.

1 (Whereupon, applause.)

2 MS. TAMMY BARNHARD: Yes. It's all  
3 happened with -- Oh, one last thing. Can I get two  
4 seconds, please?

5 UNIDENTIFIED SPEAKER: Sure.

6 (Whereupon, unintelligible conversation.)

7 MS. TAMMY BARNHARD: One, two seconds.

8 MS. STEVE VAN HOEVEN: This is -- can't  
9 she have just one, two seconds.

10 MS. TAMMY BARNHARD: One second, two  
11 seconds. We also have a petition for the drain  
12 commissioner's recall. And once that gets finalized  
13 and approved, if you wanted to do that, you're  
14 welcome to sign and find out from us. Thank you.

15 (Whereupon, applause.)

16 MR. STEVE VAN HOEVEN: I also have a  
17 comment card that was given to me from Renea Foster.

18 UNIDENTIFIED SPEAKER: Renea.

19 MS. STEVE VAN HOEVEN: Renea? Is she  
20 here? Egelston Township trustee. I was under the  
21 assumption she wasn't here.

22 UNIDENTIFIED SPEAKER: She left.

23 MR. STEVE VAN HOEVEN: So I'll just read  
24 this correspondence. She comments that she's against  
25 it saying the Holland Drain had such a large number

1 of residents. That was Mrs. Foster's comment,  
2 Egelston Township trustee.

3 That's the last card that I have, but it's  
4 possible -- Do you have a card?

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. STEVE VAN HOEVEN: It's possible that  
7 I missed somebody.

8 MS. TAMMY BARNHARD: Get up and speak.

9 MR. STEVE VAN HOEVEN: No, I'm not going  
10 to just let anybody get up and speak. Supposed to  
11 have a card.

12 MS. TAMMY BARNHARD: Ask for a card to  
13 fill out.

14 MR. STEVE VAN HOEVEN: Michael Gould?

15 MS. STACY HISSONG: Have to say the name  
16 again.

17 MR. MIKE GOULD: My name is Mike Gould. I  
18 live at 809 Clark Street. I'm guess I'm just going  
19 to second what a lot of people have said. And I  
20 understand that the Board of Determination, it's not  
21 your -- you aren't to decide the scope of the  
22 project. But like me as a home owner, I guess I'll  
23 put it in smaller terms. Like say if I need to get  
24 my roof fixed and a roofing company came and said,  
25 hey, you know, your roof could be fixed, it needed to

1 be fixed, we don't know if it needs to be fixed, but  
2 how about you just let us fix it, but we're not going  
3 to tell you how much it costs. How can you make an  
4 educated decision on if something needs to be done if  
5 you don't know how big it is or how much it's going  
6 to cost us?

7 I have a family of four kids. There's  
8 always constant expenses, especially -- well, here  
9 actually at Orchard View to where we pretty much have  
10 to pay for everything -- band camp, summer camp, any  
11 kind of sports they play. And now if you pass this  
12 assessment where, like Fruitport, I've been hearing  
13 10, 12, \$13,000 over a 10-year span, that could raise  
14 our house payments up 80, \$90 a month because that  
15 assessment has to be put onto our taxable value.

16 I just think you guys need to have way  
17 more -- You guys need to have kind of an idea of  
18 what scope plan this fix is going to be before you  
19 can make an educated decision that's going to affect  
20 as financially and put a lot of families that are  
21 just barely getting by to where they're eating one  
22 less meal a day or something. It's going to affect a  
23 lot of people if you guys don't make a decision and  
24 you guys don't have all the facts.

25 MR. STEVE VAN HOEVEN: Thanks, Mike.

1 (Whereupon, applause.)

2 MR. STEVE VAN HOEVEN: I guess that's --  
3 that's -- those are good comments. And I think one  
4 of the issues, somebody brought up engineering costs  
5 already. Time and engineering at this point when you  
6 don't even know if you're going to have a project,  
7 how can you decide the scope if you -- if you don't  
8 know whether it's necessary or not? That's the other  
9 side of the coin. But anyways, that's all the cards  
10 I've got. And so I'm looking at my Board. It's now  
11 time to make a motion close the public part of the  
12 hearing.

13 And once again, I'm asking everybody to  
14 bear with us at this point because we weren't -- we  
15 don't want to be talking behind closed doors or in  
16 private. We're going to talk into the microphone,  
17 give comments into the microphone so everybody can  
18 hear. This is a public meeting and what we say, you  
19 have a right to hear us, so --

20 UNIDENTIFIED SPEAKER: Maybe you can speak  
21 loud enough so we can hear.

22 MR. STEVE VAN HOEVEN: Yes. We're passing  
23 the microphone around so everybody can hear it.  
24 You've got the right to hear it. And do I have a  
25 motion to close the public portion of this meeting?

1 UNIDENTIFIED SPEAKER: Question out here.

2 (Whereupon, short break.)

3 MS. STACY HISSONG: I think you can go on  
4 with your motion.

5 MR. STEVE VAN HOEVEN: Motion to close the  
6 -- Unless you have some questions of Board -- as  
7 Board members at this point that you want to ask.

8 UNIDENTIFIED SPEAKER: Question out here.

9 MR. STEVE VAN HOEVEN: You can hear me out  
10 there?

11 UNIDENTIFIED SPEAKER: Wants to talk.

12 MR. STEVE VAN HOEVEN: Right. Well, we  
13 haven't closed the public hearing quite yet. I'm  
14 looking for a motion to do so. Do I have a motion to  
15 close the public hearing by one of my two Board  
16 members?

17 MR. VAL JENSEN: I move that we close the  
18 public hearing.

19 MS. JUDY MARCINKOWSKI: I second.

20 MR. STEVE VAN HOEVEN: I've got a motion  
21 to close the public hearing portion of the meeting.

22 MS. JUDY MARCINKOWSKI: I'll second that  
23 motion.

24 MR. STEVE VAN HOEVEN: Any discussion?

25 (Whereupon, no response.)

1 MR. STEVE VAN HOEVEN: If not, all those  
2 in favor, say aye.

3 MR. VAL JENSEN: Aye.

4 MS. JUDY MARCINKOWSKI: Aye.

5 MR. STEVE VAN HOEVEN: Aye. Okay. The  
6 public portion of the meeting is closed and now the  
7 Board members are going to talk this over and do it  
8 in front of you. Would one of you like to take the  
9 microphone? I've been doing all the talking. What  
10 are your thoughts now?

11 MR. VAL JENSEN: The evidence submitted  
12 for us to review does not really support the idea of  
13 improving public health, convenience or welfare of  
14 the residents of this municipality, to me. I think  
15 further study is needed. I'm wanting to see more  
16 input than maybe quarter-of-a-mile or five-mile  
17 stretch. I just I really didn't see it.

18 MS. JUDY MARCINKOWSKI: Just give me a  
19 few --

20 MR. STEVE VAN HOEVEN: You're studying. I  
21 see that. You've got a lot of notes there.

22 MS. JUDY MARCINKOWSKI: I wrote down what  
23 everybody said.

24 MR. STEVE VAN HOEVEN: That's impressive.  
25 Nice job, Stacy.

1 MS. STACY HISSONG: Judy.

2 MS. JUDY MARCINKOWSKI: It's Judy.

3 MR. STEVE VAN HOEVEN: I'm sorry. I said  
4 Stacy. I was looking -- She took down what Stacy  
5 said. My bad. I apologize. But you're next, so I'm  
6 going to wait for you.

7 MS. TRACY KORTHASE: Could I have -- Can  
8 I speak?

9 MR. STEVE VAN HOEVEN: Yes.

10 MS. STACY HISSONG: You're allowed to  
11 speak, if you wanted to.

12 MR. STEVE VAN HOEVEN: Counsel, would it  
13 be okay for the alternate board member? You're good  
14 to go.

15 MS. TRACY KORTHASE: I'm Tracy Korthase  
16 and I'm treasurer of Montague Township, have been for  
17 quite awhile now. And I'm not -- I'm the alternate  
18 and I don't make a vote on this Board. I wish I did  
19 sit down there, not in front of everybody.

20 It's just I think it's hard to always  
21 envision when something starts to fail, a system like  
22 a road. In Montague Township, we have a lot of bad  
23 roads and they fail and why -- why can we just fix it  
24 or why -- why can't they do more maintenance. And  
25 sometimes they just -- they just -- they're made a

1 long time ago. They're thin and they start wearing  
2 down.

3 And I think drain systems are probably the  
4 same way. Eventually, all drains are eventually --  
5 you know, 5 years, 30 years down the road. Anything  
6 that was put in in the 1950's or '60s is going to  
7 have to be looked at again. It might not be this  
8 time but, you know, it's kind of -- it's going to be  
9 a pill for somebody to have to swallow sometime, just  
10 like with us and our roads.

11 MR. STEVE VAN HOEVEN: Okay. Judy?

12 MS. JUDY MARCINKOWSKI: Okay. I just want  
13 to put this out there for the next time you guys are  
14 in front of a crowd. A lot of -- There were quite a  
15 few of you when you got the microphone, you turned  
16 and you spoke to the other people in attendance.  
17 There were times for me up here, words dropped out.  
18 I'm not hard of hearing. I don't wear a hearing aid,  
19 but you talked to the people behind you. I felt you  
20 should have probably presented your case a little bit  
21 more to us, since we're the ones who have to decide  
22 this for you. That's just looking forward, okay, if  
23 you have to do this again, if you would kindly just  
24 keep that in mind.

25 So there were some things I didn't quite

1 catch all the way, but there -- if I -- there's about  
2 157 people here in attendance tonight, plus or minus.  
3 They were moving around, it was hard to count. I  
4 took notes on what everybody said and you were all  
5 very passionate about it. From those who had the  
6 water problems, I counted about six of you who  
7 actually have flooding, some in your homes. That's  
8 not cool. That's not good at all. Mold, whatever  
9 happens in there, that is a problem. If that's part  
10 of the drain, it needs to be fixed.

11 Then there were plenty of you who had  
12 opinions on maintenance. I'll go get my chain saw,  
13 have some people volunteer to help. It's not my  
14 problem. I don't have that problem here. I'm not  
15 going to pay for them. A lot of different type of  
16 testimony.

17 I only heard about seven actually say I  
18 don't have a water problem who didn't get into  
19 complaining about why we are here, what our  
20 qualifications are, what we're getting paid. We're  
21 just citizens like you folks who are asked to come  
22 and do this. We've done it several times. It is our  
23 job to be objective, that's why we don't know  
24 anything about this coming into it. We don't get any  
25 literature on it beforehand. We cannot go out and

1 look at it. We can't talk to anybody about it.  
2 We're objective, so it's important for us to hear  
3 from you folks what you have to say.

4 I'm not so sure I'm convinced that with  
5 the few who have the problem, if this big scope of  
6 work is really a bit overkill now. I hate to see  
7 anybody have flooding in their home. In their yard,  
8 it's one thing. But when it comes into their home  
9 and it's from a problem in the drainage ditch,  
10 culverts, things that are failing, that's hard.

11 Water is one of those things, you could  
12 have a leak in your roof that's on the north side of  
13 your house but it's leaking way down on the south  
14 side of the house. Where is the problem -- the south  
15 side of the house or the north side? That's why we  
16 as the Board have to rely on our -- the information  
17 that the engineer presents to us. We have to  
18 decipher that and we're just citizens like you guys  
19 are.

20 UNIDENTIFIED SPEAKER: You need to get a  
21 decent map --

22 MS. JUDY MARCINKOWSKI: You know what? I  
23 didn't talk when it was your turn. I would  
24 appreciate that same courtesy. Thank you.

25 I'm done.

1 MR. STEVE VAN HOEVEN: So how are you  
2 leaning on this? Do you want to make a motion?

3 MS. JUDY MARCINKOWSKI: I'm thinking on  
4 that.

5 MR. STEVE VAN HOEVEN: I'm just looking  
6 over the petition. Val, would you like to make a  
7 motion?

8 MR. VAL JENSEN: I have a question. None  
9 of these motions present really what I want to say.  
10 Can I do a motion that you have not pre-wrote to me?

11 MS. STACY HISSONG: So there'd only be one  
12 question to answer.

13 MR. STEVE VAN HOEVEN: I guess I would --  
14 I would jump into that one, unless you want to tackle  
15 it, but --

16 MS. STACY HISSON: Sure. I'll --

17 MR. STEVE VAN HOEVEN: The motion is is it  
18 necessary or is it not.

19 MS. STACY HISSONG: Yeah, those are the  
20 only two.

21 MR. STEVE VAN HOEVEN: You can pass along  
22 a little bit of advice to the drain commissioner if  
23 you want as a side bar, but basically it's are these  
24 are -- these improvements -- petitioned improvements  
25 necessary or are they not necessary is what we have

1 to decide.

2 Are you ready to make a motion? It looks  
3 like you are.

4 MR. VAL JENSEN: I, Val Jensen, make a  
5 motion that the proposed maintenance and improvement  
6 of the Holland Drain is not necessary and conducive  
7 to the public health, convenience or welfare.

8 (Whereupon, applause.)

9 MR. STEVE VAN HOEVEN: Is there support  
10 for that motion?

11 MS. JUDY MARCINKOWSKI: Yes, I support.

12 (Whereupon applause.)

13 MR. STEVE VAN HOEVEN: I'm set for  
14 discussion on the motion. Is there any discussion on  
15 the motion on support?

16 (Whereupon, no response.)

17 MS. JUDY MARCINKOWSKI: I don't have any  
18 discussion.

19 MR. STEVE VAN HOEVEN: Okay. No  
20 discussion from Judy. Val?

21 MR. VAL JENSEN: No discussion.

22 MR. STEVE VAN HOEVEN: No discussion from  
23 Val. Okay. I'll question, all those in favor of the  
24 motion that improvements not being necessary please  
25 say aye.

1 MR. VAL JENSEN: Aye.

2 MR. STEVE VAN HOEVEN: Aye.

3 MS. JUDY MARCINKOWSKI: Aye.

4 (Whereupon, applause.)

5 MR. STEVE VAN HOEVEN: Now if you want to  
6 make some comments or recommendations for the drain  
7 commissioner, I know there's a few people that needed  
8 some help and some advice, might need to have an  
9 engineer stop out, take a look at what the problem  
10 is. If you want to talk to the drain commissioner  
11 about that, now would be a good time to move forward  
12 and --

13 And I want to thank everybody for being  
14 very courteous tonight, sticking to the time limit.  
15 Very good public tonight. Thank you very much.  
16 Thanks for coming out.

17 UNIDENTIFIED SPEAKER: Thank you.

18 UNIDENTIFIED SPEAKER: Thank you. Thank  
19 you. Thank you.

20 MR. STEVE VAN HOEVEN: Legal counsel has  
21 got a little bit more to go here.

22 MS. STACY HISSONG: This is part of the  
23 agenda. If you do wish to appeal the determination  
24 of the necessity will be to the circuit court within  
25 10 days of today's hearing. And you also have to

1 have a Motion to Adjourn.

2 MR. STEVE VAN HOEVEN: I need a Motion to  
3 Adjourn the meeting.

4 MS. JUDY MARCINKOWSKI: I'll make it.  
5 It's 9:25. I'll make a Motion to Adjourn.

6 MR. STEVE VAN HOEVEN: We have a Motion to  
7 Adjourn.

8 MR. VAL JENSEN: I'll second.

9 MR. STEVE VAN HOEVEN: Val seconded the  
10 motion. All those in favor say aye.

11 Aye.

12 MR. VAL JENSEN: Aye.

13 MS. JUDY MARCINKOWSKI: Aye.

14 MR. STEVE VAN HOEVEN: We are done.

15 (Whereupon, meeting concluded

16 at 9:25 P.M..)

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STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF MUSKEGON )

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

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

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

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

Dated at Muskegon, Michigan, this 31st day of May, 2018.



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

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