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STATE OF MICHIGAN  
OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

IN THE MATTER OF:  
Ribe Drain

Reconvened Board of Determination for  
Ribe Drain

February 28, 2018  
6:31 P.M.

Reeths-Puffer Intermediate School  
1500 N. Getty Street  
Muskegon, MI

Board of Determination:  
Mr. Lou Nordlund (chairman)  
Mr. Brian Mulnix (secretary)  
Mr. Tom Jasick  
Ms. Laura Anderson (alternate)

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

1 MS. BRENDA MOORE: We're going to get  
2 started pretty quick. Sorry about the delay, but  
3 we're letting everybody get settled here a little  
4 bit. BOD members, are you okay, want us to get  
5 started?

6 (Whereupon, heads nodding.)

7 MS. BRENDA MOORE: Okay. Well, welcome.  
8 I'm Brenda Moore, the drain commissioner. This is  
9 Stephanie Barrett, our deputy. And thank you for  
10 coming out again tonight. My role will be to give a  
11 few introductions, give the oath of office again to  
12 the BOD, and then we turn the meeting over to them.

13 So we have Ryan McEnhill, he is the  
14 engineer who you probably -- if you were here last  
15 time, he was here at the last meeting. Stacy Hissong  
16 and Cole Hendrick are actually our attorneys to help  
17 with the process.

18 We've got our original BOD members, Tom  
19 Jasick, Lou Norlund, Brian Mulnix. And last time, we  
20 did not have an alternate because there was an  
21 illness in the family so we had to get another  
22 alternate. This is Laura Anderson is our alternate.  
23 And the Michelle McKee is our court reporter, so  
24 we'll have all this available on the website when  
25 it's ready, the court reporter's verbatim transcript.

1                   Okay? So what I need to do now is  
2 administer the oath of office so I can turn this over  
3 to you. Would you all please raise your right hand?  
4 We each solemnly swear that we will faithfully  
5 perform and discharge the duties imposed upon us as  
6 required by law as members of the reconvened Board of  
7 Determination appointed by the Muskegon County Drain  
8 Commissioner to determine the necessity for  
9 maintenance and improvements of the Ribe Drain for  
10 the protection of the public health in Dalton  
11 Township and Cedar Creek Township in said county. We  
12 each affirm that we were land -- we are not land --  
13 we are not land owners and residents of Muskegon  
14 County. We are land owners and residents of Muskegon  
15 County but do not own lands or reside in Holton  
16 Township -- no, Dalton or Cedar Creek Townships.  
17 Make a correction.

18                   UNIDENTIFIED SPEAKER: I will quickly go  
19 find a battery.

20                   MS. BRENDA MOORE: Help. Yeah, because I  
21 got the red on this baby. Okay. You don't have to  
22 sign, but if the BOD would be kind enough to sign  
23 this.

24                   MR. TOM JASICK: Do we have to say I do or  
25 --

1 MS. BRENDA MOORE: Yes.

2 MR. TOM JASICK: We will.

3 MR. LOU NORDLUND: Yes.

4 MR. BRIAN MULNIX: Yes.

5 MS. LAURA ANDERSON: Yes.

6 MS. BRENDA MOORE: It's on now.

7 MR. LOU NORDLUND: You're back on.

8 MS. LAURA ANDERSON: Yeah, you're on.

9 MS. BRENDA MOORE: I still got the red  
10 light. And you did say you affirm. You do. Thank  
11 you.

12 I don't know if you want this and then we  
13 can hand it to the audience, that's probably --

14 Thank you very much.

15 MR. TOM JASICK: I think it's time for us  
16 to decide --

17 MS. STACY HISSONG: So the Board may keep  
18 the same officers or they may elect new officers, so  
19 I would -- If you want to keep the same officers, I  
20 would prefer a motion to that effect or if you want  
21 to make brand new ones, then make new motions for  
22 that.

23 MR. LOU NORDLUND: Okay. What do we want  
24 to do?

25 MR. TOM JASICK: I make a motion that we

1 keep the officers.

2 I make a motion that we keep the original  
3 officers as they were at the original Board of  
4 Determination, Lou is the chairman, Brian was the  
5 secretary. I just sit here and looked at --

6 MR. LOU NORDLUND: Okay. I'll second.  
7 All in favor?

8 MR. BRIAN MULNIX: Aye.

9 MR. TOM JASICK: Aye.

10 MR. LOU NORDLUND: It passed. Quit  
11 working. It passed.

12 MS. STACY HISSONG: We have batteries.  
13 Hold on just a moment. So at this point, the Board  
14 may make rules for public comment, if it chooses to.  
15 If you're going to make a motion, say is really loud.

16 MR. LOU NORDLUND: All right. Go ahead.

17 MR. BRIAN MULNIX: I'd like to make a  
18 motion to start -- start out with limiting the time  
19 to three minutes per speaker. I do want to add a  
20 caveat to that because I do understand that there is  
21 a presentation by -- there is a presentation being  
22 offered by Dalton Township. Am I correct with that?  
23 So that one obviously will run a little more than  
24 three minutes, so I would like to make that motion.

25 MR. LOU NORDLUND: Anyone second that?

1 MR. TOM JASICK: I second that.

2 MR. LOU NORDLUND: Okay. All in favor?

3 MR. BRIAN MULNIX: Aye.

4 MR. LOU NORDLUND: Aye. Motion passed.

5 Three minutes. We also have comment cards here to  
6 call speakers to the stand with. Do we have to say  
7 that as a motion?

8 MS. STACY HISSONG: I don't think you need  
9 to vote on that. You can, if you wish to. Do you  
10 wish to do that?

11 MR. TOM JASICK: No.

12 MR. LOU NORDLUND: No.

13 MS. STACY HISSONG: We have more comment  
14 cards. So they're going to call these cards and if  
15 you wish to speak, we can make more available to you,  
16 just raise your hand and we'll get a new comment card  
17 to you.

18 MR. TOM JASICK: What else do we have to  
19 do?

20 MR. BRIAN MULNIX: All right. So we were  
21 handed several documents and we have documents in  
22 front of us, as well. I would like to make a motion  
23 to add these affidavits and the materials that were  
24 at our tables to the record.

25 MR. TOM JASICK: I second that.

1 MR. LOU NORDLUND: All in favor?

2 MR. BRIAN MULNIX: Aye.

3 MR. TOM JASICK: Aye.

4 MR. LOU NORDLUND: Aye. Motion carried.

5 Anything else? Comments?

6 MS. STACY HISSONG: Function of the Board.

7 Role and function of the Board, if it's okay --

8 MR. LOU NORDLUND: Yep.

9 MS. STACY HISSONG: So the next part on  
10 the agenda is the role and function of the Board. My  
11 name is Stacy Hissong. I'm the attorney for the  
12 drainage district. I'm from Fahey, Schultz, Burzych,  
13 Rhodes in Okemos, Michigan, and my practice is  
14 representing drain commissioners all across the  
15 state.

16 This is an unusual Board of Determination  
17 because it's a reconvening for one particular issue.  
18 So there was originally a Board of Determination to  
19 decide the necessity of a project, is it necessary  
20 for a project to move forward. And at that point,  
21 the Board of Determination voted no, not necessary.  
22 That decision was appealed to the circuit court, as  
23 you have a right to do under the drain code, and the  
24 circuit court reviewed the proceedings on the record,  
25 the transcript of what was said, the information that

1 was on the record available to the Board of  
2 Determination and overturned the Board of  
3 Determination's decision, making the project  
4 necessary and a court order was entered with regard  
5 to that.

6 So with regard to the court order, the  
7 project is deemed necessary under that court order  
8 and that is out of our hands. So because it was  
9 found not necessary, normally if a project is found  
10 necessary at a Board of Determination then the second  
11 vote is is it necessary for public health such that  
12 the townships would receive all or a portion of the  
13 cost of the project at large. Because it was found  
14 not necessary, the Board never voted on that. And  
15 because it was found overturned by the court, the  
16 court didn't decide whether that was appropriate or  
17 not because the Board never voted on it.

18 So we are reconvening for the sole  
19 purposes of determining whether the Ribe Drain  
20 Project is necessary for the protection of public  
21 health for Dalton Township and Cedar Creek Township.  
22 And I believe the Board is going to do that by two  
23 separate motions, not both townships together.

24 So what does that mean and why do you  
25 care? If it is found that all or a portion of -- If

1 it's found that the whole project is necessary for  
2 public health, then the township would -- townships  
3 would pay for the entire project. If it's found that  
4 a portion of it is necessary -- is necessary for  
5 public health and that a portion should be paid for  
6 by the township, either or both of the townships,  
7 separate votes, then the township would pay for a  
8 portion of the cost of the drain project at large out  
9 of their general funds. So if it's found not  
10 necessary for the protection of public health, the  
11 township general funds do not pay any of it. It  
12 would be paid by the county for benefit to county  
13 roads and, for the property owners, by the property  
14 owners. If it's found necessary for either or both  
15 then the township is also given a portion of that  
16 project cost.

17 So they decide is it necessary for either  
18 one, and there's going to be separate votes for each  
19 township as to that. If they vote yes then the  
20 township pays an at-large assessment. If they vote  
21 no then the township does not pay an at-large  
22 assessment, it's spread amongst the remaining  
23 entities, which would be the property owners and the  
24 county and I believe M-DOT in this situation? Yep,  
25 and M-DOT.

1                   This Board does not decide what that  
2                   percentage is. The drain -- If they vote yes, it is  
3                   necessary for either or both of the townships, then  
4                   the drain commissioner determines what percentage of  
5                   the project cost that is at the end of the project  
6                   after it has been bid.

7                   So this Board -- Let's go through what  
8                   this Board is not deciding. This Board is not  
9                   deciding whether there is going to be a project or  
10                  not because it's out of their hands. The court  
11                  decided that. This Board is not deciding what the  
12                  project is, the project scope, not deciding that.  
13                  Not deciding how much the project is going to cost,  
14                  not deciding who is going to pay for what. Those  
15                  will be decided by the drain commissioner later.

16                  The only thing that will be decided today  
17                  is whether each of the townships should -- is it  
18                  necessary for public health such that each of the  
19                  townships would be responsible for all or a portion  
20                  of the cost of the project.

21                  Do you have any questions?

22                  MR. TOM JASICK: No.

23                  MR. LOU NORDLUND: When we talk public  
24                  health, are we talking for the township at large or  
25                  for any individual in that township or --

1 MS. STACY HISSONG: Okay. Great question.  
2 So the drain code does not define what necessary for  
3 public health means, but it means -- but there are --  
4 there is a Court of Appeals case that provides some  
5 guidance with regard to that. And when I'm saying  
6 that, I'm referring to Standard Aggregates versus  
7 Ingham County Drain Commissioner, 1 May, 2002, case.  
8 And in that ruling where they found -- in that case,  
9 there was a determination of necessity for public  
10 health. The township appealed that decision. The  
11 probate court -- Those appeals --

12 So each township, if you decide whatever  
13 you decide, has an opportunity to appeal that but  
14 that goes to probate court, not circuit court, and  
15 the probate court has an opportunity to review the  
16 decision made tonight.

17 In the -- in the Standard -- or in the  
18 Standard Aggregates case, it was actually Ingham  
19 County Circuit Court -- or Probate Court, the Ingham  
20 County Court reviewed it, found it necessary, and  
21 then it was appealed and I believe the -- in doing  
22 that, they showed a couple of examples of public  
23 health would be -- Oh, excuse me. I'm going to --  
24 I'm going to take that back. That was actually for  
25 necessity.

1                   In the probate court ones that I've dealt  
2 with in probate court, they've looked at basement  
3 flooding, because that's a -- might be considered a  
4 public health issue, failed septics, road flooding  
5 such that ambulatory service or bus service might not  
6 be available, but it is not defined. Stagnant water  
7 for purposes of disease. There is no definition of  
8 that.

9                   And so I misspoke about Standard  
10 Aggregates. That was about necessity in general, so  
11 I apologize about that.

12                   MR. LOU NORDLUND: What I say, is that  
13 just for like -- like if there were -- if there were  
14 two people in the township that had a little backup  
15 in their sewer system, would that create a public  
16 health problem for the whole township?

17                   MS. STACY HISSONG: Okay. It doesn't say  
18 that it's public health for the whole township, but I  
19 can't answer that. That's for you as determiners to  
20 decide the significance of whatever the testimony is  
21 to determine whether that's public health or not.  
22 There isn't a tipping point, so to speak, as to how  
23 much there needs to be. That's for you to determine  
24 in your own -- in your own decision making.

25                   MR. LOU NORDLUND: Thank you.

1 MS. STACY HISSONG: Yes, sir?

2 MR. BRIAN MULNIX: I have a couple of  
3 questions.

4 MS. STACY HISSONG: Yep.

5 MR. BRIAN MULNIX: So I'm -- I'm  
6 wondering, so you outlined like the yes-or-no  
7 options. So will this project happen no matter what  
8 the vote is, is it -- is it going to move forward?

9 MS. STACY HISSONG: Okay. Great question.  
10 So it is my opinion that the vote here today does not  
11 determine whether the project moves forward or not  
12 because necessity of the entire project is not  
13 something that is being decided today. So there are  
14 opportunities for a project to be abandoned based on  
15 the drain commissioner's decision. But unless that  
16 happens, which is not normally the case, a project  
17 will move forward. That is not your decision to make  
18 today. The court has already decided that.

19 Any other questions? Yes.

20 MR. BRIAN MULNIX: So as we -- as we saw  
21 before with the original decision, it was appealed  
22 and overturned and I was just wondering if you could  
23 maybe explain what the options for appeal this time  
24 around would be.

25 MS. STACY HISSONG: Okay. So the appeal

1 of the decisions made tonight go to probate court.  
2 And it's not a 10-day appeal period, it's actually a  
3 20-day appeal period. And anyone deciding that they  
4 should -- would like to appeal should seek their own  
5 legal counsel with regard to that. But it does go to  
6 probate court and not circuit court for the  
7 determinations made tonight.

8 In terms of what happens after today, if  
9 there is an appeal then that will be adjudicated, but  
10 then engineering continues. And then there will be  
11 -- the next thing that you'll receive in the mail,  
12 most likely, is what's called a Notice of Letting and  
13 Day of Review of Apportionment. So what that means  
14 is they're going to bid the project out and then  
15 there's going to be -- and then we'll know what the  
16 full project cost is after the project is bid out.  
17 And then there will be a apportionment review  
18 basically where we'll take the cost of the project  
19 and you'll know your percentage of the cost of the  
20 benefit and can let you know how much it will cost  
21 each property and we do that by apportionment.

22 So the scope of the project has not been  
23 determined yet. Regardless of what you might have  
24 heard in the community, the cost of the project and  
25 the scope of the project has not been determined yet.

1 That will be determined later. There has been some  
2 engineering done and there's a start of an idea what  
3 that has been determined. But if you had heard that  
4 that has been determined and final, that is not the  
5 case.

6 So after the Day of Review of  
7 Apportionments, all property owners, the county,  
8 M-DOT, the townships, everybody will have an  
9 opportunity to appeal the percentage. So an appeal  
10 of tonight's is whether the township gets --  
11 townships is necessary for public health, so whether  
12 they receive an assessment at all. And the Day of  
13 Review is appealing if you wish the certain  
14 percentage apportioned to each of the entities that  
15 are appealing, if that makes sense, and that goes to  
16 probate court, as well.

17 MR. LOU NORDLUND: So if we determine it's  
18 not -- If we determine that it is not necessary for  
19 the health of the entire township then the cost of  
20 the project will be placed on the people who are  
21 within that drain? The one who has most benefit gets  
22 the --

23 MS. STACY HISSONG: Okay. So the  
24 percentage is based on benefits derived. If this  
25 Board decides that there's no necessity for public

1 health and the townships don't pay an at-large  
2 assessment then it's the same group of people and  
3 entities that pay minus the townships. So M-DOT will  
4 receive an assessment regardless of your decision  
5 today for -- for benefit to state highways; the  
6 county will receive an assessment, regardless of your  
7 decision today, for benefit to county roads; and the  
8 property owners within the drainage district will  
9 receive an assessment regardless of your decision  
10 today, but all those percentages need to add up to a  
11 hundred percent. The only difference will be is  
12 there a percentage that is given to each of the  
13 townships or not based on the determination of  
14 necessity for public health. Great question.

15 If there's no other questions, the  
16 engineer actually has a presentation.

17 MR. LOU NORDLUND: Okay. The engineer has  
18 a presentation next.

19 UNIDENTIFIED SPEAKER: What's it matter?

20 UNIDENTIFIED SPEAKER: Can we get a name  
21 of the judge of the Supreme Court and the decision?

22 MS. STACY HISSONG: So as to the Standard  
23 Aggregate --

24 UNIDENTIFIED SPEAKER: Phone numbers.

25 MS. STACY HISSONG: -- I said I misspoke.

1 Do you want me to answer that question?

2 MR. LOU NORDLUND: Yes.

3 MS. STACY HISSONG: Okay. I misspoke as  
4 to the case I cited. That was actually to the  
5 necessity of the entire project.

6 With regard to -- With regard to the  
7 appeal that I participated in where a township  
8 appealed the -- or the determination, that was in  
9 probate court in Wayne County and I don't recall the  
10 name of the judge. It was Brownstown Township and  
11 Brownstown Creek, so --

12 UNIDENTIFIED SPEAKER: They're talking  
13 about this decision.

14 MS. STACY HISSONG: This one? Oh, this  
15 one?

16 UNIDENTIFIED SPEAKER: This one, yep.

17 MS. STACY HISSONG: All right. May I  
18 answer that question?

19 MR. LOU NORDLUND: Yes.

20 MR. TOM JASICK: Yes, please.

21 MS. STACY HISSONG: Thank you. All right.  
22 So this was Judge Marietti. And I can give you the  
23 case number, if you'd like to look at the case. It's  
24 Case Number 15-50122-AA.

25 UNIDENTIFIED SPEAKER: Who appealed?

1 MS. STACY HISSONG: The answer -- The  
2 question was who appealed. The appeal was by Michael  
3 and Marijean Smith, Donald and Doris Brandt, Richard  
4 and Jaye Jeiler. I'm not sure how to pronounce their  
5 last name.

6 UNIDENTIFIED SPEAKER: Jeiler.

7 MS. STACY HISSONG: Jeiler. And the order  
8 was entered on January 4th, 2016.

9 UNIDENTIFIED SPEAKER: Can you read that  
10 court case again?

11 MS. STACY HISSONG: I'll just bring it  
12 over to you.

13 MS. BRENDA MOORE: Stacy, do you feel  
14 comfortable speaking to the fact that our office did  
15 not tell everybody there was a court -- that we were  
16 in court?

17 MS. STACY HISSONG: If the Board has a  
18 question, I'll be happy to.

19 UNIDENTIFIED SPEAKER: Anybody else wants  
20 that case number, I'll say it loud. 15-50122-A as in  
21 apple, A as in apple.

22 MR. RYAN McENHILL: All right. Well good  
23 evening, everybody. My name is Ryan McEnhill with  
24 ENG. And as mentioned, I was with you back in June  
25 of 2015, I believe, for the original July -- for the

1 original Board of Determination. And I'm a  
2 professional engineer in the State of Michigan. I  
3 operate and manage our Grand Haven office location  
4 and we work with drain commissioners, water resource  
5 commissioners all across southern lower Michigan.

6 So just to give you a brief overview and  
7 timeline, I think this has kind of been touched on  
8 already, but so actually won't even go through the  
9 top two since Stacy covered those. But we did have a  
10 scope meeting for this project in June of 2016 at  
11 Reeths-Puffer High School Auditorium just to kind of  
12 review the design elements at that time. There was  
13 probably maybe a tenth of the people that are here  
14 today that were at that meeting. And then obviously  
15 on February 28th, we're here today for the reconvened  
16 BOD to determine the necessity, improvements,  
17 protection of public health to the two municipalities  
18 involved.

19 And just to give the Board just a general  
20 overview of the district boundary and the system as a  
21 whole, the Ribe Drain was established in 1907. There  
22 hasn't been any maintenance performed on this 5.2  
23 mile drain since 1981. It basically extends from all  
24 the lakes up in the northern part of the district all  
25 the way down to McMillan Road where it meets up with

1 Bear Creek and it's part of the Bear Creek Watershed,  
2 so all the water that comes from this system  
3 eventually makes it down to Bear Lake, Muskegon Lake,  
4 Lake Michigan.

5 There is two other county drains that  
6 drain into the Ribe Drain, the Furman and the  
7 Brandstrom, so that's one confusing thing I think  
8 that a lot of people have is, well, I'm in those  
9 districts, why am I in the Ribe, and it's very common  
10 for people to be in multiple drainage districts.  
11 Because those flow into the Ribe, you automatically  
12 become part of the Ribe Drain district, as well. And  
13 then it also includes, I think in 1984, as most of  
14 you are aware, there was that extension to serve the  
15 upper watershed in those three lake areas.

16 So there's just three things I'm going to  
17 cover primarily about the existing conditions of the  
18 system, the open channel conditions and then we'll  
19 talk about some of the culvert capacity condition  
20 issues, and then we'll talk about more of the issues  
21 in the upper watershed, the lakes and the channels  
22 and those sorts of things last.

23 So as I mentioned, there hasn't been a lot  
24 of maintenance done on this system and that's kind of  
25 part of the system that Brenda can't really control

1           what her predecessors did. I mean, typically you get  
2           routine maintenance on systems like these every 5 to  
3           10 years, something is done just to maintain the  
4           integrity of the system. When it's not maintained,  
5           what you end up with is a lot of sediment in the  
6           system, a lot of vegetation buildup, all those things  
7           kind of affect capacity, they reduce the velocity of  
8           the water in the system so things start to back up.  
9           And as you'll see, that sedimentation has really  
10          become a big issue with a lot of the culverts in this  
11          drain.

12                        So the biggest things that we noticed in  
13          the Ribe Drain -- And being 5.2 miles, there are a  
14          lot of roadway and driveway crossings that most of  
15          the time -- or at least that we found in the files  
16          were not very well-documented, so permits were not  
17          necessarily pulled from the drain commissioner's  
18          office. What you end up with is kind of a lot of  
19          variability in the sizes of the culverts that are put  
20          in place.

21                        So the failing culverts, there's actually  
22          two right there, the Bard Road and also one of the  
23          private culverts near the railroad there, that are  
24          both very close to the end of their lifespan and at  
25          risk of failing. The other one is that some of these

1 are set at improper elevations. So actually the Bard  
2 Road culvert that you'll see is almost 90 percent  
3 full of sediment, the capacity of it severely  
4 restricted was actually set with back fall, so we  
5 want these culverts set to drain downstream. This  
6 one is actually set in the opposite direction, so  
7 that kind of plays a factor in why this one is so  
8 heavily filled with sediment.

9 These are kind of three other culverts  
10 that I wanted to touch on. Obviously this Middle  
11 Lake Road bridge, just touching base with the road  
12 commission, we kind of figured that this type of  
13 bridge that was typically constructed anywhere from  
14 1925 to 1940, so pretty old as far as structures go.  
15 It's in poor condition. I think it's actually been  
16 hit on a couple of different occasions. There's  
17 cracking in the concrete. Typically footings on this  
18 system are only one foot in depth, which would never  
19 be built that way today. It's a safety hazard. I  
20 mean, there's no guardrail extending out on each side  
21 of it, so that one is -- is probably well past its  
22 serviceable lifespan and that actually is on one of  
23 the channels between the lakes, so it's pretty  
24 important to have it in good order.

25 Here is the -- just another culvert near

1 the road -- or near the railroad, excuse me. And you  
2 can kind of see all the sediment accumulation there.  
3 That one is about 50-percent full of sediment and  
4 those -- that one in particular and then the one that  
5 I just showed previously near the railroad, both have  
6 an impact on upstream of there all the way up to the  
7 lake.

8           And then -- and then we have this culvert  
9 at Riley Thompson Road. Actually the horizontal  
10 elliptical pipe is actually in good condition but,  
11 again, you got just heavy sediment loading. You can  
12 see up here kind of the deterioration of the sandbag  
13 headwalls that ultimately are contributing to the  
14 sedimentation problem and now you have sediment from  
15 behind those bags starting to push into the system,  
16 as well.

17           So here is the Bard Road culvert. Again,  
18 you can't actually see the culverts here. They're  
19 both submerged in this location. And then I may have  
20 misspoken, that might be Pillon Road for this one, as  
21 well. But we actually pulled -- We did a discharge  
22 request from the M-DEQ to see what the peak flow  
23 rates were for these two specific culverts, and it's  
24 anywhere from 600 to 650 cubic feet per second for  
25 100-year rain event, and these are not even in the

1 ballpark of being able to convey those kind of flow  
2 rates. So I'm actually surprised that this one is  
3 not over top the roadway already, although there is  
4 kind of a big flood plain area here that can at least  
5 store that upstream water for a little bit.

6 And same thing here. I mean, this culvert  
7 is -- You have the water depth and then there's only  
8 about a foot of water there before you're into the  
9 sediment, so there's a lot of capacity and decreases  
10 just by the continual sedimentation in the system.  
11 And again, that kind of goes back to the lack of  
12 routine maintenance for a very, very long time.

13 And then finally just touching on the  
14 upstream watershed, I spent a lot of time back in  
15 2015 at the meeting kind of going through the 1984  
16 design and how -- and the conditions that we're  
17 seeing in 2015. And one of the things was when that  
18 was designed, that extension that extended it all the  
19 way up to Twin Lake, was that it was put in very  
20 flat, I mean extremely flat, .06 percent. Water  
21 doesn't like to move very well at those kind of  
22 percentages, so it's hard to get the water away from  
23 the lake. And it really only operates correctly if  
24 it's got a free flowing outlet, so it needs to be  
25 clean as a whistle, basically, for that thing to meet

1 the intent of the design that was put forth in 1984.

2 So any kind of drain incumbrance, such as  
3 sediment accumulation, which we know is an issue in  
4 the system, log jams, vegetation growth. I mean, if  
5 you have a deer that died in the middle of the drain,  
6 that's automatically going to kind of cause water to  
7 backup upstream in this system. And then also, I'll  
8 touch on -- there's a couple more slides that I will  
9 go through the actual channels in between -- in  
10 between the lakes, as well.

11 So this is the -- the actual -- I think a  
12 lot of you are familiar with this now and probably  
13 gone back and looked at this headwall. This is  
14 actually the discharge into the open channel water  
15 course from the pipe that actually extends out into  
16 Twin Lake. And to meet the intent of the design, the  
17 water -- And this is a 24-inch pipe that you're  
18 looking at. -- the water level either needs to be at  
19 the bottom of that 24-inch pipe during the winter  
20 months; spring, fall, it's supposed to be at the  
21 bottom of that 24-inch pipe. You can see here, this  
22 was May, 2015, I think it's 14 inches above the  
23 bottom, here relatively about the same, and then this  
24 one actually was just taken a few weeks ago that  
25 showed it probably about 50 percent or 12 inches.

1 And you can kind of see that line of water that gives  
2 you a reference point.

3 So that's why I say, as we've kind of  
4 monitored this system since 2015, I can tell you that  
5 I've rarely seen that headwall at zero to six inches  
6 in depth, so it's something that's -- it's not  
7 something that rises and then goes back down right  
8 away. It's kind of a long-term situation that seems  
9 to be occurring to where you're seeing the elevated  
10 levels for long periods of time.

11 And then these are the channels between  
12 the lakes. Again, to meet the intent of that 1984  
13 design, there needs to be channels that have the  
14 ability to convey water between each of the lakes,  
15 and it's just not occurring now. You can see this is  
16 actually that has developed at West Lake that this is  
17 just not possible for that to convey water to Middle  
18 Lake and in a very good manner.

19 This is actually the opposite end of it.  
20 I mean, this is our channel. I mean, it's just not  
21 -- doesn't have the ability to meet the intent of the  
22 design without it's -- built today. And a lot of  
23 that is just -- you know, it's on private property.  
24 Nobody has easements over these private channels so  
25 there's really not a mechanism for them to be cleaned

1 out at this point.

2 And then kind of the impacts of that and  
3 you go back and look through --

4 UNIDENTIFIED SPEAKER: I'm sorry to  
5 interrupt. Did you say there's no easements to  
6 maintain that as of right now?

7 MR. RYAN McENHILL: So the question. Can  
8 I answer?

9 MR. LOU NORDLUND: Go ahead.

10 MR. RYAN McENHILL: So the question that  
11 was presented was is there not any easements to  
12 maintain those channels? And the answer is no,  
13 there's not.

14 UNIDENTIFIED SPEAKER: So is it --

15 MR. LOU NORDLUND: We'll have public  
16 comment in a little bit. You can ask him anything  
17 then.

18 MR. RYAN McENHILL: So when I went back  
19 and looked through the transcript from the 2015  
20 meeting, these impacts right here are all kind of the  
21 things that came up as a result of just poor drainage  
22 between the lakes. We have structure damage, lost  
23 property because we had rising water levels, and then  
24 there was some septic system inundation, as well, so  
25 those were all things that were in those minutes.

1           And this just visually gives you a better  
2 representation. This is from the channel from Middle  
3 Lake to Twin Lake. This is actually the channel  
4 here. You can see, it's actually kind of spilling  
5 over on the private property, as well. And this is  
6 the profile, so we actually surveyed this section.  
7 This is -- The intent of the design is that this  
8 line here -- and this is actually what that ground  
9 profile is at, so it's just not possible to meet the  
10 intent of the design with how these are constructed  
11 right now.

12           So that's all I have. A little bit  
13 briefer than last time. There will be public  
14 testimony after this, so you each have an opportunity  
15 to speak and talk to the issues or non-issues that  
16 you have in the system. And then we talked about the  
17 Board's duties today.

18           Just to give you an idea of the next steps  
19 of the project, because I'm sure you have questions  
20 on that, we have actually already obtained a Michigan  
21 DEQ permit on this project, which some of you may be  
22 aware that was issued in May of 2017. We're still,  
23 you know, working with everybody to finalize the  
24 design and specs and we don't anticipate this project  
25 actually moving forward until Spring of 2019, just to

1 give you that background.

2 So thank you.

3 MR. LOU NORDLUND: So if I can clarify  
4 what you said so it's straight in my mind, what you  
5 have is you've got like a retaining wall system that  
6 when it goes to a certain height, it overflows so the  
7 lake levels always stay the same, supposedly, as long  
8 as everything is cleaned out?

9 MR. RYAN McENHILL: So I actually covered  
10 that in the 2015, but I didn't include it in this  
11 presentation. But there's actually a -- there's a  
12 pipe that extends out into the lake that was done as  
13 part of the 1984 project. There's a control  
14 structure that has stop logs in it that has the  
15 ability to control that lake level. And then that  
16 pipe that I showed in the headwall -- And I'll go  
17 back to it. Okay. So between October and May, the  
18 lake level is supposed to be even with the invert of  
19 that pipe. So by invert, I mean bottom of that pipe.  
20 And so you can see in those pictures that it's not at  
21 that location.

22 And then in the summer when higher levels  
23 are preferred and it's only six inches difference,  
24 you would want -- you would see six inches above the  
25 bottom of that invert. It is typically how that's --

1           how that's done.  And then the downstream system, as  
2           I mentioned before, the ability to move the water  
3           away from that headwall is one of the issues.

4                       When you look at the amount of  
5           sedimentation in the system, you look at the culverts  
6           that are blocked or 50 percent full of sediment,  
7           those are things that we believe are causing the  
8           prolonged higher levels than normal.  And then the  
9           channels -- the channels specifically, all three of  
10          those lakes were supposed to be at the same level.  
11         Okay?  And with the way that they exist today, it's  
12         not even possible.  That channels -- The bottom of  
13         those channels are higher than the levels that were  
14         supposed to be intended.  Does that makes sense.

15                      MR. LOU NORDLUND:  It does.  But is -- is  
16         there with, you know, property laws and stuff like  
17         that, a solution to the different levels in the lake  
18         or is that something courts have to decide and we  
19         don't have anything to do with it?

20                      MR. RYAN McENHILL:  Correct.

21                      MR. LOU NORDLUND:  Okay.

22                      MR. TOM JASICK:  I guess I just might add  
23         one thing.  Those who had their hand up, make sure  
24         you get a card so that you can give us name and then  
25         we'll put it in our stack so that we know that you

1 have another question maybe that arose from the  
2 engineering presentation.

3 MS. BRENDA MOORE: There are cards here.

4 MR. LOU NORDLUND: Why don't we have the  
5 township, is that agreeable consensus?

6 MR. BRIAN MULNIX: Yes.

7 MR. TOM JASICK: Yes.

8 MR. LOU NORDLUND: Consensus is to have  
9 the township presentation first. And these are the  
10 gentlemen from --

11 MR. JIM SCALES: Dalton Township.

12 MR. LOU NORDLUND: Dalton Township. Okay.

13 MR. JIM SCALES: After hearing the  
14 presentation, we'd prefer to go last so we can listen  
15 to some of the citizen comments and --

16 UNIDENTIFIED SPEAKER: Can't hear you out  
17 here.

18 MS. STACY HISSONG: And can you say your  
19 name for the court reporter, please?

20 MR. JIM SCALES: My name is Jim Scales. I  
21 am Dalton Township's attorney. After listening to  
22 the presentation, we'd prefer to go last, if we  
23 could, so that we can listen to the citizens comments  
24 about how they feel about the public benefit of the  
25 project, if that's acceptable to the Board.

1 MR. LOU NORDLUND: All set?

2 MR. TOM JASICK: Yep. We're fine.

3 MS. STACY HISSONG: So I normally tell  
4 who's the first speaker and then who's on deck.

5 MR. LOU NORDLUND: Okay. Our first  
6 speaker will be Mark, and correct me if I'm wrong,  
7 Jastrzembski. And the next person will be -- after  
8 him will be Tony Barnes. And we have three minutes  
9 for comment.

10 MS. STACY HISSONG: He's the township  
11 supervisor, so he's going last so --

12 MR. LOU NORDLUND: Okay. Okay. So is  
13 this --

14 MS. STACY HISSONG: So the next one would  
15 be --

16 MR. LOU NORDLUND: Okay. Mary Will be --  
17 Mary Will will be on deck.

18 MS. MARY WILL: I'm going to pass.

19 MS. STACY HISSONG: And she's passing.

20 MS. MARY WILL: I'm passing.

21 MS. STACY HISSONG: So who's after that?

22 MR. LOU NORDLUND: Bob Koehler.

23 MR. MARK JASTRZEMBSKI: Ready?

24 MR. TOM JASICK: And we are limiting to  
25 three minutes.

1 MR. MARK JASTRZEMBSKI: Three minutes,  
2 talk fast. I've been -- My name is Mark  
3 Jastrzembski. I've been on the lakes for 61 years  
4 over on Twin Lake and then on West Lake. I've seen  
5 the lake levels go up. I've seen the lake levels go  
6 down. There's a cycle to this thing.

7 Do we have an estimate as to how much,  
8 when this drain is completely fixed up, as to how --  
9 what the lake levels will be after this now? Will it  
10 drop down 10 inches, 20 inches, 30 inches, what? Any  
11 idea on that?

12 MR. LOU NORDLUND: That would be a  
13 question for the engineer. Can he answer that?

14 MR. TOM JASICK: If we want him to.

15 MR. LOU NORDLUND: Okay.

16 MR. TOM JASICK: You want to finish your  
17 comment, first?

18 MR. MARK JASTRZEMBSKI: Okay. I'll finish  
19 my comment and you can answer that later, if you  
20 would.

21 So we had a meeting before. You folks had  
22 a meeting before and you decided that we did not need  
23 this drain. Suddenly three people came forward,  
24 decided that they know better. They went to the --  
25 went to a judge. A judge decided that he knew better

1 than the rest of us out here and reversed everything.  
2 I just find that interesting that laws are made from  
3 the bench now.

4 And did I understand correctly that the  
5 DEQ has been -- surveyed that area? I live right by  
6 that swamp and for -- for 61 years, that swamp has  
7 been there. I seen kids come in there looking for  
8 frogs, looking for tadpoles. There's a lot of fauna  
9 and -- and wildlife in there. And if that drain  
10 comes through, is that swamp no longer going to be  
11 there for the kids from -- from schools won't be able  
12 to go in there and check things out anymore? It's a  
13 really nice ecosystem there.

14 MR. TOM JASICK: We'll let the engineer  
15 answer that.

16 MR. MARK JASTRZEMBSKI: Okay. I guess  
17 that's it, then. Yep. That's it. Thank you.

18 MS. STACY HISSONG: Did you want the  
19 engineer to answer?

20 MR. TOM JASICK: Yeah.

21 MR. LOU NORDLUND: Yeah. We might as well  
22 get it while it's in their heads.

23 MR. RYAN McENHILL: Okay. So the lake  
24 levels that were set by I believe the Michigan  
25 Department of Natural Resources, they were set at

1           those levels for a reason. They did a report, they  
2           did there due diligence, they set those there for a  
3           reason. All we're trying to do with this project is  
4           provide the proper drainage to maintain whatever --  
5           whatever that elevation was to move the water  
6           effectively away from those lakes. We're not looking  
7           to raise, lower. We're try -- we're just --

8                       The control structure is the thing that's  
9           controlling the lake levels. Okay? That will be set  
10          at whatever the DNR set them at. From a downstream  
11          perspective, what we found is that just downstream of  
12          that headwall, it's not constructed properly, hasn't  
13          been maintained properly enough and is causing water  
14          to not move away effectively. So from a drainage  
15          standpoint, we just want to move that water -- water  
16          away effectively so that those levels can be  
17          maintained, whatever they are.

18                      Same thing with the channels. The  
19          channels, we would look to obtain easement over to be  
20          able to properly move drainage from one lake to  
21          another.

22                      And the wetland comment, I mean we're just  
23          as environmentally sensitive as you are. I mean, we  
24          get a Michigan DEQ permit. Brenda certainly is  
25          environmentally conscious. We want to keep those

1 things, too, so we certainly wouldn't do anything  
2 that would compromise those.

3 MR. LOU NORDLUND: Thank you. Mary Will  
4 is up next and Chuck --

5 MS. STACY HISSONG: She passed.

6 MR. LOU NORDLUND: She passed. Okay.  
7 Chuck Buzzell.

8 MS. STACY HISSONG: And then who's next?

9 MR. LOU NORDLUND: And after him, Dale  
10 Hobart.

11 MR. CHUCK BUZZELL: Thank you. I'm going  
12 to go a little longer than three, so I'm going to go  
13 as fast as possible. My name is Chuck Buzzell. I'm  
14 74 years old, life-long resident of Twin Lake, county  
15 commissioner for eight years, part owner of 1500 feet  
16 of the Ribe Drain Extension.

17 This is what I remember as a youth. I  
18 remember the lakes 1960's, '70s, '80s, large swings  
19 and depths on the lakes. Some years, the water  
20 levels were so high, basements flooded, septic tanks  
21 failed. Other years, the lakes were so low you could  
22 play football in front of many homes. One year, my  
23 friends and I walked from the Twin Lake County Beach  
24 to the island without going underwater, so Twin Lake  
25 at that time was probably five foot five.

1           I remember rowing boats between Twin Lake  
2 and Middle Lake, Middle Lake and West Lake, but I  
3 never knew who kept those channels open. As was  
4 pointed out, that one channel is completely plugged.  
5 I don't know. Was it the drain commissioner back in  
6 the '60s, the '70s that kept that open, was it is the  
7 township or the public? Somebody kept that drain  
8 open. It's plugged now, I agree with the drain  
9 commissioner on that point. Many of the points I  
10 disagree and I'll -- or the engineer.

11           During the early part of the 1980's, we  
12 were in a high water cycle. The people around the  
13 lakes were really suffering. Basements flooded,  
14 septic tanks backed up, et cetera. What happened  
15 next was truly amazing. Many Twin Lake residents,  
16 township supervisor, drain commissioner, road  
17 commission -- road commission banded together to  
18 solve the problem. A local excavator, under the  
19 direction of the township supervisor, built a  
20 temporary drain that tied into the existing Ribe  
21 Drain. An old agricultural tractor was equipped with  
22 a large pump. The tractor ran 24 hours a day. Local  
23 residents took turns in refueling the tractor. The  
24 effort got the lakes down until the present extension  
25 to the Ribe Drain was completed. It was great to see

1 cooperation between local residents and government.  
2 That's not happening right now.

3 What I know, and this is what I know  
4 having 1500 feet of the Ribe Drain Extension on my  
5 property, I watch the drain operate almost on a daily  
6 basis. Since the original Board of Determination of  
7 July 29th, 2015, I spent many hours trying to  
8 understand the drain commissioner's plans to assist  
9 the people of West Lake with the high water levels of  
10 the lake. The drain and the system put in during the  
11 1980's was called Ribe Drain Extension. It started  
12 at Michillinda Road under the railroad tracks to  
13 Middle Lake, including the channels between --  
14 between Twin Lake and Middle Lake.

15 At the present time, I will give you a  
16 report on the drain. The drain is flowing well at  
17 Michillinda Road. The drain is flowing very well  
18 from the railroad tracks to Michillinda Road. Drain  
19 flowing from the railroad tracks to Middle Lake. The  
20 mechanism at Middle Lake Road working as prescribed.  
21 The channel between Twin Lake and Middle Lake  
22 slightly open, needs some cleaning. Channel between  
23 West Lake and Middle Lake, plugged, has to be open.  
24 No water leaving West Lake.

25 And if I remember last year, that was --

1 or the last Board meeting, that was really the issue  
2 that the Board of Determination struggled with, the  
3 drain in between West Lake and Middle Lake plugged.  
4 And the Board -- the drain commissioner could not  
5 offer you any solution because there was no easement,  
6 and that was brought up there.

7 MR. TOM JASICK: Chuck, we're going to  
8 have to --

9 MR. CHUCK BUZZELL: I've got one more just  
10 quick. Can I just finish this up and then I'm --

11 MR. BOB KOEHLER: Bob Koehler. He can  
12 have my three minutes.

13 UNIDENTIFIED SPEAKER: Yep, he can have my  
14 three minutes.

15 UNIDENTIFIED SPEAKER: He can have my  
16 three minutes.

17 MR. CHUCK BUZZELL: Can I have another  
18 card? Can I come back? You know, no -- I --

19 MR. TOM JASICK: When all the cards are  
20 done. Please finish up.

21 MR. CHUCK BUZZELL: All right. For your  
22 information, the dry -- last year, the drain stopped  
23 flowing September 1st and the first two weeks in  
24 October, there was no water coming out of that  
25 mechanism. Basically what happened is is Twin Lake

1 equalized. Twin Lake came down to the prescribed  
2 level so no water went down. Yet at the other hand,  
3 West Lake was very high because the water could not  
4 flow from West Lake into Middle Lake into Twin Lake.

5 Anyway, this -- this thing has got out of  
6 hand. It's -- it's ridiculous. The problem that we  
7 have is the drain between West Lake and Middle Lake  
8 is completely plugged. It's got to be opened up to  
9 -- to equalize the water. The rest of the system is  
10 working fine. There's no need for this elaborate  
11 plan that's going on. My plan would --

12 (Whereupon, applause.)

13 MR. CHUCK BUZZELL: My plan -- I could  
14 get 25 volunteers today if the township supervisor or  
15 the drain commissioner could get me an easement to go  
16 in there with -- with 25 volunteers with rakes,  
17 shovels, hose and axes, we could clean that out.

18 MR. LOU NORDLUND: Chuck -- Chuck, we  
19 really do appreciate all your -- your thoughts and  
20 your comments. It sounds like you have a lot of  
21 support from the community, but we really want to  
22 keep on the timeframe. If there's time at the end,  
23 we give you another card.

24 MR. CHUCK BUZZELL: We can fix this thing  
25 with volunteers, not a two -- two million dollar

1 project.

2 MR. TOM JASICK: Thank you, Chuck.

3 (Whereupon, applause.)

4 MR. LOU NORDLUND: Dale Hobart.

5 UNIDENTIFIED SPEAKER: Hey, Buzzell, you  
6 want my three minutes?

7 MR. LOU NORDLUND: Thank you, Dale. And  
8 next person up is Mike --

9 MR. MIKE JONES: Jones.

10 MR. LOU NORDLUND: Jones? Okay.

11 MR. DALE HOBART: Yeah, I live on West  
12 Lake, real close to the channel. I've seen water  
13 flow on that -- through that last year. Does need to  
14 be cleaned out. My concern is, like Mark -- Mark is  
15 my neighbor. -- is how -- how will they -- how far  
16 is that lake going to go down? I'm on a sandbar.  
17 There's two big sandbars on that lake. If you lower  
18 that water too -- too far, we're going to lose 15, 20  
19 acres of -- of lake. That's my big concern.

20 And I -- I agree with Buzzell that I don't  
21 think it's a big deal. Clean that drain out or that  
22 -- that channel out, let's -- let's -- you know,  
23 let's get on with our lives.

24 MR. TOM JASICK: Thank you, Dale.

25 MR. LOU NORDLUND: Thank you. Okay. Mike

1 Jones followed by Dale Weisney.

2 UNIDENTIFIED SPEAKER: Weisner.

3 MR. LOU NORDLUND: Weisner. Okay. Thank  
4 you.

5 MR. MIKE JONES: My name is Mike Jones.  
6 I've been playing around in Twin Lake since I was  
7 born. I grew up on these lakes. My grandfather was  
8 the original -- original owner -- or actually, his --  
9 his parents were. But I've lived my life up here my  
10 entire life and I know a lot of people, a lot of  
11 names in here. I'm 46 years old, but I am recently  
12 -- or I was part of the same group of people that are  
13 on this list that appealed this. I'm a real property  
14 owner in that same development. I'm not on this  
15 petition. I don't agree with them because I did my  
16 homework when I built my house. I don't have water  
17 in my basement. I don't have water standing in my  
18 yard because when I looked at that development, I  
19 hired a civil engineer.

20 I don't have the issues. I made sure I  
21 didn't have their issues. So now because they've got  
22 a little bit of money and some connections, now it's  
23 my issue. I agree with Chuck, it's not that big of  
24 an issue.

25 First of all, if this is going to work, I

1 agree, there's probably some maintenance that needs  
2 to be done because the drain commissioner, they  
3 failed us. They've been failing us for years.  
4 They've been taking our money and now they're going  
5 to take more. And the three individuals that are on  
6 here are just as bad as the drain commissioner now,  
7 prior, and prior. It wasn't maintained.

8 MR. TOM JASICK: We're not going to -- we  
9 aren't going to get into personal attacks.

10 MR. MIKE JONES: I'm not going to. I  
11 mean, it's not a personal attack, but it has to be  
12 said. If this was maintained, and I believe Ryan  
13 would tell us, we wouldn't have that issue, nor would  
14 we be here. Is that correct, Ryan? If it was  
15 maintained, we wouldn't have this issue.

16 So my last question, and then I'll -- I'll  
17 get off my soap box. If we don't have the easements  
18 to go between the lakes right now, are we going to be  
19 able to get them?

20 I live on what is called Camp Ridge. It's  
21 off of Douglas Trail off of Duck Lake. It's part of  
22 that same development. They sold that -- they sold  
23 that acreage and the camp altogether and that's where  
24 the development is.

25 MR. TOM JASICK: Mike, did you have a

1 question for the engineer?

2 MR. MIKE JONES: Yeah, the question is --

3 MR. TOM JASICK: Not about the easement?

4 MR. MIKE JONES: No, not about the  
5 easement. But if this was maintained since 19 --  
6 What was it, the last --

7 MR. TOM JASICK: '84.

8 MR. LOU NORDLUND: '84.

9 MR. MIKE JONES: -- '81, '84, would we be  
10 here today, would we have the issues that we have?

11 MR. RYAN McENHILL: Well, the -- If  
12 the --

13 MS. STACY HISSONG: Repeat the question.

14 MR. RYAN McENHILL: Would we have the  
15 issues here before us today if routine maintenance  
16 was done throughout this drain's lifetime? There are  
17 certain things that would have -- that would have  
18 certainly helped. We're restricted in the drain code  
19 by the amount of money that we can spend. We can  
20 spend \$5,000 per mile per year to do things and you  
21 can't replace a culvert for that amount. So there's  
22 culverts in these areas that you can't do under a  
23 maintenance, you have to have a petition to do, so --  
24 so those things, no, could still -- probably still  
25 would have an impact on the issues you see today.

1                   And then the easement issue, do you want  
2                   to --

3                   MS. STACY HISSONG:   Go ahead.

4                   MR. RYAN McENHILL:   So if we were going to  
5                   pursue that part of the project, we would certainly  
6                   obtain the necessary easements to dig those out to be  
7                   able to improve drainage between the lakes.

8                   MR. LOU NORDLUND:   Then Dale, you're up.  
9                   And Crystal Smith will be the -- on deck.

10                  MS. STACY HISSONG:   Give it back to you  
11                  now.

12                  MR. DALE WEISNER:   Okay.  I don't know  
13                  where to start.  Let me start with this.

14                  MS. STACY HISSONG:   Hold it closer to your  
15                  mouth.

16                  MR. DALE WEISNER:   Brenda Moore was a  
17                  student --

18                  MR. LOU NORDLUND:   You have to swallow it.

19                  MR. DALE WEISNER:   What?

20                  MR. TOM JASICK:   You almost have to  
21                  swallow that like an ice cream cone.

22                  MR. DALE WEISNER:   Brenda Moore was a  
23                  student at Muskegon Community College.  She took a  
24                  course on -- on -- on maintaining water levels and --  
25                  and the earth.  Her teacher was Diana Casey.  Diana

1 has told me that if -- if they put in for a grant for  
2 a college to request money to -- to do this project,  
3 if they get the grant, she has the peoples to do it  
4 because that's what she teached and that's what her  
5 students do. That's what they're coming there to  
6 learn.

7 The other thing is I don't know where -- I  
8 don't know where all this crap come from where --  
9 where if -- if a -- if a channel dries up the land  
10 owner next to it get the land. That's bullshit.  
11 That -- that ditch has been there for fucking 60  
12 years --

13 MR. LOU NORDLUND: Sir, we're going to  
14 have to ask you to --

15 MR. TOM JASICK: If you got to talk like  
16 that --

17 MR. LOU NORDLUND: -- clean it up.

18 MR. TOM JASICK: -- if you got to talk  
19 like that, we got to ask you to sit down.

20 MR. DALE WEISNER: The -- the drainage has  
21 been there for over 70 years. They -- the water  
22 table has gone up and down that maintained that. The  
23 problem is, nobody has maintained it. Now -- now  
24 that nobody has maintained it, you're saying, well,  
25 we get to get the landowner's permit. Bullshit.

1           That -- that -- Have you asked any of the landowners  
2           right there on -- on Lake Street if they can use  
3           their property to get in there and dig that out?  
4           Have you asked the township supervisor if he can  
5           write a grant to get money to -- to pay for this  
6           stuff? I don't see any problems other -- other, you  
7           let -- you let these drains go and then you give it  
8           to the landowners that lived on the other side of the  
9           drain. That's a bunch of crap.

10                         And I'll tell you another thing, I know  
11           about these -- these drains. I have -- I have  
12           watched U.S. Forest Service dig drains, sand drains,  
13           call them traps. It's the same thing as this. You  
14           dig that ditch down to the bottom of that tile, a  
15           mile down, and within two years it will be full of  
16           dirt because dirt settles before the water flows.

17                         MR. LOU NORDLUND: Thank you, sir.

18                         MR. DALE WEISNER: I'm sorry I said --

19                                 (Whereupon, applause.)

20                         MR. LOU NORDLUND: Okay. Crystal Smith.  
21           And then on deck is Brent Link.

22                         MS. CRYSTAL SMITH: Hi. I'm Crystal  
23           Smith. I'm supervisor for Cedar Creek Township. I  
24           do want to make it clear that I do not actually live  
25           in the drain district. I'm just here to represent

1 the township itself.

2 I do have some concerns. I did live in  
3 the district for 20 years growing up. I do want to  
4 make note that I never, ever had any problems. My  
5 mother is here. She will let you know in the area,  
6 never any flooding basement, anything.

7 As a township supervisor though, I do have  
8 concerns. We have not even 10 percent of our  
9 residents in this district. The drain itself does  
10 not actually even flow in Cedar Creek Township at  
11 all. The concerns to assess our residents and the  
12 township itself is just something that I just can't  
13 accept. It's just it's a hard pill to swallow. You  
14 do have a signed and notarized affidavit from me  
15 stating I've been the township supervisor since  
16 November of 2016. I've not been the supervisor very  
17 long. But in my little over a year that I've been  
18 there, I've never once had a single resident ever  
19 come to me to tell me that they've had an issue with  
20 this drain, with flooding, with water leaving --  
21 flowing, anything like that.

22 I really don't have a whole lot more than  
23 that to say. Thank you for listening to me. I  
24 appreciate it.

25 MR. LOU NORDLUND: Thank you.

1 MR. TOM JASICK: Thank you.

2 MR. LOU NORDLUND: Brent. Brent Link.

3 MS. STACY HISSONG: And then who is on  
4 deck?

5 MR. LOU NORDLUND: And on deck is Larry  
6 Little.

7 MR. BRENT LINK: I heard you say that the  
8 last maintenance was 1981. I heard you say that you  
9 graded the outlet from the lake in 1984. That  
10 doesn't make sense. And also, why would you expect  
11 something to survive if you don't maintain it for 36  
12 years? I mean, why not just maintain it and let it  
13 work? And the engineers that did it, that designed  
14 the system -- system to begin with knew what they  
15 were doing. Why don't you maintain it? It's -- it's  
16 your responsibility. That -- not --

17 MR. LOU NORDLUND: Thank you.

18 MR. TOM JASICK: Thank you.

19 MR. LOU NORDLUND: Okay. Larry?

20 MS. STACY HISSONG: And who is on deck?

21 MR. LOU NORDLUND: Richard Jelier.

22 MR. LARRY LITTLE: Hi. My name is Larry  
23 Little. Hey, Tom. How you doing? I've been a small  
24 farmer over there on Riley Thompson for probably the  
25 last seven, eight years. I'm a small blueberry

1 farmer who's got a 1.2 person operation going on, and  
2 I'm right along one of these drainage ditches. And  
3 for me, if this water goes any faster than it does,  
4 leaves my land, I'm going to have to start putting in  
5 wells and that, and I really don't feel like doing  
6 that. So I would like to ask all of you to start  
7 drinking more water to help this problem, maybe.

8 Another thing that I'm concerned about is  
9 are there health records that I can go and see where  
10 how many people have been -- what the diseases we're  
11 getting in the area and that? Because I -- I tell  
12 you, I -- I have water right now pretty high up and I  
13 like it. You know, my ducks are out there and the  
14 water table is -- it's manageable. I'm managing the  
15 water. I released what I need. I moved it and it  
16 seems to be flowing very well and I don't know what  
17 else needs to be done to drain this water.

18 If it starts draining, I'm going to be  
19 affected seriously. And I think -- and there's many  
20 farmers along that area that are putting in  
21 blueberries along Riley Thompson. So if the water  
22 table starts dropping, I don't know. I -- I just  
23 can't afford to do that right now. I would really  
24 prefer to keep the water tables up a little bit.

25 And I know, my septic tank, this is a new

1 build, built in 2000, and the septic tank is way  
2 above the water table. So if that's a way, each  
3 person would go out and raise their septic tank, I  
4 don't know, do something -- do something to, you  
5 know, keep this water as it's natural.

6 You know, Muskegon stands for land of  
7 swamp. And if you live in Muskegon, you're in the  
8 land of swamp, and that's what you decided to move  
9 into.

10 So, yeah, that's my point. I'll pass with  
11 that. Thanks.

12 MR. LOU NORDLUND: Thank you.

13 (Whereupon, applause.)

14 MR. RICHARD JELIER: Good evening.

15 MR. TOM JASICK: I guess Larry, was there  
16 a question for the engineer on the water table? I  
17 think there was a question asked earlier that was  
18 similar to that.

19 MS. STACY HISSONG: No.

20 MS. CRYSTAL SMITH: His question was  
21 whether there was any records of health concerns.

22 MR. TOM JASICK: That would have been -- I  
23 don't know who would answer for that. Anybody here  
24 know the answer to that?

25 (Whereupon, no response.)

1 MR. LOU NORDLUND: Okay. On deck is  
2 Charles Lothschutz.

3 MR. CHARLES LOTHSCUTZ: Lothschutz.

4 MR. TOM JASICK: But you're up right now.

5 MR. RICH JELIER: Thank you. I'm Rich  
6 Jelier and I've been on West Lake my 56 years. My  
7 grandfather built our -- our two-bedroom cottage in  
8 1952. And I just want to give a little context.

9 In the 1970's, there was tremendous  
10 flooding. The water went all the way to the back of  
11 the West Lake Road. We had 2-1/2 feet in our cottage  
12 and we had 3 foot in our porch. In 1974 and 1976, we  
13 sandbagged, my dad and my grandpa -- or I'm sorry, my  
14 dad and our neighbors and I. We had four properties  
15 that -- that were completely flooded out and it was a  
16 long and painful recovery.

17 The Ribe Drain was an answer to all those  
18 flooding issues. And by the way, there are dozens  
19 and dozens of properties on the four lakes affected  
20 by the flooding in the '70s. The Ribe Drain was an  
21 answer to our prayers.

22 We've been using this cottage every  
23 Sunday, our extended family, my entire 56 years and  
24 another 10 years before that. I now have 3 kids that  
25 enjoy the property who are 8, 11, and 13.

1           The Ribe Drain worked. The channels were  
2 clear in the -- in the '80s and '90s and the early  
3 2000's until the Ribe Drain was not basically  
4 monitored. The lake levels were kept at a -- at a  
5 reasonable level for all parties concerned, so I  
6 agree with the gentleman that West Lake Channel is  
7 our biggest predicament. I think all of us that are  
8 affected by the flooding agree that that would help  
9 solve the problem, but I don't believe that would  
10 solve the entire problem because the Ribe Drain was  
11 necessary in the '70s and we look at -- like folks  
12 say, water issues do come. And I understand when  
13 you're in high water that you're not experiencing  
14 flooding, but we have a system of government to  
15 protect people in case of flooding. Or we look at  
16 the tremendous flooding in this country, no one says,  
17 well, we shouldn't have a response to that because  
18 I'm on high ground. That's not the way it works.

19           The health issues. We've had our porch,  
20 the last three summers, we've had two inches of water  
21 four or five times a summer. We have black mold in  
22 our areas where we have all slept, our residential  
23 porch, for years. We have water over our drain  
24 field. We have -- On a heavy rain, we have an inch  
25 and a half of standing water in our yard. I'm very

1           --

2                         One of the reasons we love West Lake is  
3 the quality of the lakes. There's no question this  
4 high water over drain fields, over lawns that have  
5 fertilizer and other pesticides does constitute some  
6 issues with respect to the water quality.

7                         So we have a flooding problem. We think  
8 the solution is there. I'm not an active engineer.  
9 I can't tell you if the Ribe Drain is functioning at  
10 what capacity. From the gentleman's presentation, it  
11 appears there's significant structural issues. But I  
12 would agree, and I think most of us on the lower  
13 parts of West Lake, which are at least 10 neighbors  
14 or more, and others on Middle and Twin on the lower  
15 parts of the lake would all agree that flooding is a  
16 significant part of our life. The waters are the  
17 highest that they've been since the 1970's. And I've  
18 been out there every summer my entire life.

19                         Thank you.

20                         MR. LOU NORDLUND: Thank you.

21                         MR. TOM JASICK: Thank you.

22                         MR. LOU NORDLUND: Okay. Charles?

23                         MR. TOM JASICK: And on deck?

24                         MR. LOU NORDLUND: Yep. On deck is Robert  
25 Weerstra.

1 MR. CHARLES LOTHSCHUTZ: Charles  
2 Lothschutz, 3233 East McMillan Road. But the biggest  
3 thing is my brother and I farm blueberries on M-120  
4 on the Furman Drain. And looking across here, I'm so  
5 happy to see all you people out here because when the  
6 Furman Drain needs to be cleaned, you're going to be  
7 helping us out.

8 Thank you.

9 MR. LOU NORDLUND: Thank you. Robert?

10 MR. ROBERT WEERSTRA: No.

11 MR. LOU NORDLUND: Pass?

12 MR. ROBERT WEERSTRA: Yeah.

13 MR. LOU NORDLUND: Okay. Earl Langler.  
14 And on deck is Dale Gee.

15 MR. EARL LANGLER: You're talking about  
16 being confused, I'm quite confused. Now did I  
17 understand that the drain commissioner has the right  
18 to overrule this project?

19 MR. TOM JASICK: The project is going  
20 forward no matter what.

21 MR. EARL LANGLER: Well, yeah.

22 MR. TOM JASICK: That has been decided.

23 MR. LOU NORDLUND: The court has decided.

24 MR. TOM JASICK: Anything we say and do  
25 tonight is not about if the project is going forward.

1 The project is going to get done.

2 MR. EARL LANGLER: But can --

3 MR. TOM JASICK: The purpose of this  
4 meeting is for us to decide -- We've already decided  
5 we didn't think any of this had to be done. Remember  
6 that?

7 MR. EARL LANGLER: But can -- but --

8 MR. TOM JASICK: But a judge has now said  
9 it does have to be done. Okay. Our determination  
10 here tonight, and correct me if mistake -- if I'm  
11 wrong, is only is there a health issue for the  
12 township? Is there a health issue for the township?  
13 That's what we're here to try to determine tonight.  
14 That's what we're going to decide from what we're  
15 hearing.

16 MR. EARL LANGLER: But can she lower the  
17 price of this project so it isn't such an elaborate  
18 -- like a clean out of the ditch, just a skimming --  
19 skimming of the ditch and -- and that --

20 I -- I and Mr. Buzzell walked down that  
21 drain February -- the last week and that -- that tube  
22 under the road was running like it is over there. It  
23 was running to capacity of the water coming out of  
24 Twin Lake. Now do you intend, when you drop those  
25 channels -- I should point this at the engineer --

1 MR. TOM JASICK: Thank you.

2 MR. EARL LANGLER: -- but I'm looking at  
3 you guys because I don't want to offend the engineer.  
4 But anyway, you drop them channels, are you going to  
5 also put -- leak more water out of the lake? Then  
6 what is your purpose? If you don't leak more water  
7 out of the lake, you can put all the water -- or  
8 equalize them lakes and they won't equalize. Think  
9 about it.

10 MR. TOM JASICK: I think there are  
11 questions that we're hearing tonight possibly for the  
12 drain commissioner. She is here, obviously.

13 MR. EARL LANGLER: She's here. I see her.

14 MR. TOM JASICK: She's going to be here  
15 after the meeting. So if there are questions you  
16 have in particular for her, then I would suggest that  
17 you see Brenda after the meeting.

18 MR. EARL LANGLER: Well, she can hear me.  
19 She hears me. That's all I got to say.

20 MR. LOU NORDLUND: Thank you.

21 MR. TOM JASICK: Thank you, Earl.

22 MR. LOU NORDLUND: Okay. Dale Gee,  
23 followed by -- whoops, Michael Smith. Is that  
24 correct?

25 MR. MICHAEL SMITH: Yes.

1 MR. DALE GEE: Pass my three minutes.  
2 I'll give them to Mr. Buzzell, if he would like.

3 MR. TOM JASICK: Sir, we are not doing  
4 proxies tonight. So if you want to give up your  
5 minutes, you can.

6 MR. DALE GEE: I will.

7 MR. LOU NORLUND: And if Dale wants to  
8 fill out a card and come on back up later, that would  
9 be fine. Sir, are you Dale?

10 MR. MICHAEL SMITH: No, I'm not.

11 MR. TOM JASICK: The gentleman in the back  
12 who just said he's giving up his time, are you Dale?

13 MR. DALE GEE: No. I'm Dale. Comments  
14 made by the other people, especially Mr. Buzzell, and  
15 --

16 MR. TOM JASICK: It's covered basically  
17 what you --

18 MR. DALE GEE: Covered my comments that I  
19 wanted to make.

20 MR. TOM JASICK: Understood.

21 MR. DALE GEE: But if I could give my  
22 three minutes to one of them to continue on their  
23 positive points on --

24 MR. TOM JASICK: Okay. Well --

25 MR. DALE GEE: -- why we don't need

1 this --

2 MR. TOM JASICK: Thank you.

3 MR. DALE GEE: -- because the lakes will  
4 seek their own level, always have, always will. So  
5 that's all I got to say.

6 MR. LOU NORDLUND: Okay. Michael Smith.  
7 And then Jim Scales.

8 MS. STACY HISSONG: He is with the  
9 township.

10 MR. MICHAEL SMITH: Good evening. I am  
11 the Michael Smith that brought the petition forward.  
12 So if you'd like to speak to me individually, I'd be  
13 more than welcome to entertain those discussions.

14 We did this because we know what the law  
15 was, we followed the law. There was no law made from  
16 the bench. The purposes for us is tonight to  
17 determine the health, welfare and safety of this  
18 drain.

19 I agreed with a lot of what people are  
20 saying here, but the problem here is the  
21 infrastructure has not been cared for since the '80s.  
22 I was one of those people that helped and did that  
23 bagging in 1976. I know what the welfare of the  
24 individual lakes can be and the health of these lakes  
25 is dependent upon the proper effluent and drainage of

1           this system.  When it works, it works great.

2                         It will not overly lower the level of the  
3 lakes.  It will maintain the level of the lake at a  
4 safe -- at a safe level.  The engineering piece of  
5 that is beyond the scope of my education.

6                         But health, I -- I will tell you that the  
7 health of these lakes, the septic systems and the  
8 effluents from these septic systems has the  
9 potentiality of causing problems.  Stagnant water,  
10 when -- when you do not have water which is draining  
11 out of a system properly is a -- is a breeding ground  
12 for many of the diseases that we talk about, emerging  
13 viral disease.  We haven't had that, but do we want  
14 that?  No.

15                         So the question is is the health of our  
16 community at risk because the system which was  
17 designed is not functioning?  And I will tell you I  
18 believe that it is.  If we can get the system  
19 functioning as it was designed, the health and  
20 welfare and well being of the community will be well  
21 served for all of us.

22                         MR. LOU NORDLUND:  Thank you, sir.  Okay.  
23 That was Michael Smith?

24                         MR. JASICK:  Yes.

25                         MR. LOU NORDLUND:  Okay.  Richard

1 Sahlhoff. I've got that name murdered. I'm sorry.

2 MR. RICHARD SAHLHOFF: It was close.

3 MR. LOU NORDLUND: Was it close? Thank  
4 you. And then Bob Koehler and Jim Scales. Bob  
5 Koehler? Okay. Are on deck. No. Okay.

6 MR. RICHARD SAHLHOFF: I had a number of  
7 things to say, but a lot of them have been said  
8 already, and some -- some quite eloquently.

9 Moved here in '73. I've seen water so  
10 high that I had sandbags across the front of my house  
11 to keep the water out of my house. I didn't get any  
12 help from any government. Neighbors came down and  
13 helped fill sandbags, run pumps. I seen the water so  
14 low that I had thought I had to take a taxicab to get  
15 out to the edge of the lake.

16 Sometimes we -- we see these numbers here  
17 and they show for three years, period, but I've seen  
18 this cycle going on for a lot longer. There's a man  
19 back here, Mark Jastrzembski that's has kept record  
20 of this for -- monthly for 20 years, and somehow no  
21 one ever asked him about this record because it could  
22 show these fluctuations.

23 I agree that the drain -- the culverts and  
24 stuff probably need maintenance. That looks pretty  
25 obvious from the pictures, but I don't want to have

1 the lake drop so low that I have to use a taxicab to  
2 get to my lake, because I live on a shallow area.  
3 It's -- and it's -- that part of the lake is quite  
4 shallow and go a long ways out to put a dock out to  
5 float my boat.

6 I guess that's about all I have to say.

7 MR. LOU NORDLUND: Thank you.

8 MR. TOM JASICK: Thank you.

9 MR. LOU NORDLUND: Yes. Bob Koehler.

10 MR. BOB KOEHLER: I'll give my three  
11 minutes to Charlie, too, or anybody else that wants  
12 it.

13 MR. LOU NORDLUND: Okay. Thank you.  
14 Steve Krukowski.

15 MR. STEVE KRUKOWSKI: Hello. I'm born and  
16 raised Twin Lake. Lived on West Lake all my life.  
17 Now I'm Middle Lake. I've played in those creeks. I  
18 do agree, so based on what I understand here, and I  
19 think the frustration is is that -- to Chuck's point  
20 is it's gotten out of hand to the point where we're  
21 talking about millions of dollars where in a weekend  
22 we could probably have opened up the mouth of West  
23 Lake and then cleaned that out with property owners  
24 easily.

25 MR. CHARLES BUZZELL: And the problem

1 would have been solved.

2 MR. STEVE KRUKOWSKI: And problem would  
3 have been solved. I do believe we probably have to  
4 open up the one on Middle Lake, too, that -- I don't  
5 know that that flows very well. I can walk on dry  
6 land in the summer on that. When I was a kid, I used  
7 to -- I used to take a canoe through there to get to  
8 Twin Lake and go play in that pond and ecosystem  
9 you're talking about.

10 So I guess the frustrating part from our  
11 standpoint is is that it's come to this point where  
12 we're kind of forced now to do it. We don't -- I  
13 don't believe there's any health issues. Maybe  
14 there's some isolated spots where some people have  
15 some black mold or -- or whatever, but I don't  
16 believe that -- I believe the simple solution is to  
17 open up that mouth that you can walk across when you  
18 should never be able to on West Lake, clean that out  
19 so it flows and then clean the other one out. I  
20 believe you could probably -- based on what I'm  
21 seeing on the flow, you can get away with no  
22 maintenance for probably years to come, other than  
23 maybe a little bit of sediment cleaning out around  
24 it, and allow it to flow and we could solve this  
25 really simple. So I'm frustrated on the standpoint

1           that the public is kind of stuck looking at a big  
2           bill when there's simple solutions.

3                         And then I believe the vote should be that  
4           there is no health concern, but there are some simple  
5           solutions that we can do. And if we want to avert  
6           the whole idea of spending millions of dollars of  
7           taxpayer money, we could probably get enough  
8           volunteers to open that -- that mouth up pretty  
9           easily and wouldn't take long.

10                        So thank you.

11                        MR. LOU NORDLUND: Thank you.

12                        MR. TOM JASICK: Thanks.

13                        MR. LOU NORDLUND: Now we have no other  
14           comment cards.

15                        MR. CHUCK BUZZELL: Can I just answer two  
16           questions that haven't been answered? And I'm  
17           answering --

18                        MR. TOM JASICK: Are there any new -- new  
19           individuals, first of all?

20                        MR. LOU NORDLUND: Yeah.

21                        MR. TOM JASICK: Are there any new  
22           individuals who did not get a chance to speak that  
23           would like to?

24                        MS. BECKY HENDRICKSON: I just have one  
25           question that the engineer did not answer.

1 MS. STACY HISSONG: Excuse me. The court  
2 reporter needs your name.

3 MS. BECKY HENDRICKSON: Becky Hendrickson.  
4 My name is Becky Hendrickson. I live on Middle Lake.  
5 And the question was asked how that would affect the  
6 depth of the water and you never gave an answer to  
7 that, you kind of skirted it. And we live on a very  
8 shallow part of Middle. And come September, we lose  
9 half our water. And so when the water level goes  
10 down, is my dock going to be 30 feet out with -- in  
11 the sand? You know what I mean? So you never gave a  
12 specific answer how much the water level would go  
13 down.

14 MR. TOM JASICK: Yes, please.

15 MR. RYAN McENHILL: Okay. So the reason I  
16 didn't answer that question is because the Board  
17 didn't direct me to answer that question, that's the  
18 only reason why.

19 And I'm actually glad that you asked it,  
20 because a lot of people have spoke to it and I just  
21 want to make this clear. So, if you were to -- What  
22 we saw was that Twin Lake was considerably higher  
23 than it was originally designed to be, somewhere in  
24 the range of 12 to 14 inches, and those pictures kind  
25 of showed it over a period of 3 years. That's

1 considered the -- right next to the outlet to the  
2 Ribe Drain.

3 So with that control structure that's  
4 there, they have stop log control in it to control  
5 the lake level. Those lake levels were set by the  
6 M-DNR as part of that 1984 project. We're not  
7 looking to do anything with that then -- then what  
8 was set -- those levels were set at. That's not --  
9 the lake levels aren't going to drop drastically.  
10 They're not going to rise. We're hoping to maintain  
11 the levels or and improve the drainage downstream to  
12 be able to meet those levels is basically what we're  
13 trying to do.

14 So if you were to just do the work in  
15 between the channels, basically what that would do is  
16 equalize with the level in Twin Lake. The problem is  
17 is that the level in Twin Lake is still higher over  
18 the last three years that we've been monitoring it  
19 than it's supposed to be, so just doing that work is  
20 not going to solve the problem. It will get it down  
21 to the Twin Lake level. That's why we made mention  
22 of the downstream drainage improvements from that  
23 headwall all the way down to Michillinda is where the  
24 improved drainage is going to help that to maintain  
25 what it was supposed to be at.

1 MS. BECKY HENDRICKSON: What was that  
2 number? We've only been on the lake three years, so  
3 I don't know what that number should be.

4 MR. RYAN McENHILL: The level that they  
5 set was I believe 678.0 between October and May and  
6 the --

7 MS. BECKY HENDRICKSON: Above sea level?

8 MR. RYAN McENHILL: Above sea level.

9 MS. BECKY HENDRICKSON: Okay.

10 MR. RYAN McENHILL: And then 678.5 in the  
11 summer months. Okay? So we're not -- we're not  
12 proposing to lower it, raise it anything above what  
13 those levels that were set.

14 MS. BECKY HENDRICKSON: Thank you.

15 MR. TOM JASICK: Thank you.

16 MR. CHARLES BUZZELL: Two answers.

17 MR. TOM JASICK: Are there any more  
18 questions by anybody who has not had a chance?

19 Sir, would you please come up and identify  
20 yourself?

21 MR. JIM FAULKNER: This will be very  
22 brief. My name is Jim Falukner. How do you  
23 determine who will be assessed? I have property on  
24 none of the bodies of water, but I'm what may be a  
25 half a mile from Twin Lake. So who -- how do you

1 determine who is going to be assessed when you're not  
2 on the water? Thank you.

3 MR. LOU NORDLUND: Can you answer that?

4 MS. STACY HISSONG: Sure.

5 MR. LOU NORDLUND: Okay.

6 MS. STACY HISSONG: So if it's okay with  
7 the Board, I'll answer that. So there's a special  
8 assessment district set up and the properties within  
9 that special assessment district assist in paying for  
10 that. As part of this project, the engineers are  
11 going to be asked to update the boundaries of that  
12 special assessment district. We're not doing that  
13 tonight. But before assessments are levied, they  
14 will -- the drain commissioner has asked the engineer  
15 to update those, so that will be part of the hearing  
16 for the Day of Review is to update the boundaries.

17 So how that works is normally if you -- if  
18 your property contributes water to the Ribe Drain,  
19 when it rains, eventually the water gets to the Ribe  
20 Drain or what will be established as the Ribe Drain  
21 then you're part of the special assessment district,  
22 and if it flows a different way or a different  
23 watershed then you will not. And then all properties  
24 within this special assessment district are not  
25 necessarily treated equal. We're looking at acreage,

1 but it's not acreage of your entire parcel. It's  
2 acreage of the -- acreage of your parcel that's  
3 within those boundaries.

4 So on -- if you're smack dab in the  
5 middle, your entire parcel will be in this special  
6 assessment district. If you're on the edges then  
7 only a portion of it might be. The engineers will go  
8 right down to the tenth of an acre, maybe even  
9 sometimes hundredth of an acre as to what part of  
10 your property is in.

11 Then the engineers will look at how your  
12 property is categorized for purposes of equalization,  
13 and then the drain commissioner's office also looks  
14 at different parts of the drainage district and the  
15 scope of the project. And somebody where there's an  
16 intense amount of work, perhaps at the lakes, might  
17 receive more of a dollar per acre or percent of the  
18 project per acre than somebody down at the outskirts  
19 of the drainage district.

20 Same with the township at larges.  
21 Normally the township at larges aren't equal. It  
22 depends on the percentage of property and the type of  
23 work in each township as it goes to the at-large  
24 percentage.

25 MR. LOU NORDLUND: Thank you. Okay. Are

1           there -- Before Chuck gets back up again, is there  
2           anyone else who would like to ask a question or say  
3           something? Yes. Go ahead.

4                   MR. DALE HOBART: I haven't heard anything  
5           about --

6                   MR. LOU NORDLUND: Sir, you need to  
7           identify yourself.

8                   MR. DALE HOBART: Dale Hobart. I'd like  
9           to know, I haven't heard anything about North Lake.  
10          I've heard West Lake, Twin Lake, Middle Lake. I  
11          haven't heard nothing about North Lake. Is this --  
12          is it affected as much as West Lake and --

13                   MR. TOM JASICK: What is your question?

14                   MR. DALE HOBART: Is it -- is it being  
15          affected? I -- I don't know.

16                   MR. LOU NORDLUND: You're asking if there  
17          is anything to be done with North Lake?

18                   MR. TOM JASICK: If it will be affected.

19                   MR. LOU NORDLUND: Oh, if it will be  
20          affected. Okay.

21                   MR. RYAN McENHILL: Okay. So when we did  
22          the Board of Determine -- in 2015, we went back and  
23          looked at the 1984 drawings that did this extension  
24          project to provide the positive outlook for the  
25          lakes. And at that time, part of the project was to

1 have a pipe between North Lake and I guess Middle  
2 Lake was -- was originally a part of that project.  
3 And then so at that time, we -- during our survey  
4 work, we tried to search for and find that  
5 connection. What we ultimately found is that it  
6 didn't exist and wasn't actually done as part of the  
7 1984 project. So as it sits right now, there is no  
8 physical connection between North Lake and Middle  
9 Lake, so they're not a part of -- a part of this  
10 project at this point.

11 MR. LOU NORDLUND: Okay. Are there any  
12 others? Yes?

13 MR. LARRY HILL: Larry Hill. Okay. If  
14 I --

15 MR. TOM JASICK: Sorry. Sorry. Sorry.

16 MR. LOU NORDSTROM: Sir?

17 MR. TOM JASICK: Folks, we are not doing  
18 repeats. Although we've told -- we've insinuated  
19 that Chuck can get up and say -- if there's something  
20 pertinent that you haven't already talked about,  
21 Chuck?

22 MR. CHUCK BUZZELL: Yes. I'd --

23 MR. TOM JASICK: Okay.

24 MR. CHUCK BUZZELL: -- like the answer to  
25 a couple --

1                   MR. TOM JASICK: But you got to remember,  
2 if we start this, then everybody has the right to  
3 speak again and that's really what we don't want to  
4 start because it's already after 8:00. We have  
5 another presentation from the township to be made and  
6 then there's other discussions that have to go on,  
7 and I think you've all made your points. I mean, but  
8 Chuck, briefly, please.

9                   MR. LOU NORDLUND: Yes.

10                  MR. CHUCK BUZZELL: Yes. Several times  
11 it's been mentioned that there was no maintenance on  
12 these drains. As a past community commissioner, I  
13 know Martin Hulka, drain commissioner, had staff that  
14 did annual maintenance on these drains. Mr. Hulka  
15 had an employee that would get prisoners out of the  
16 jail. Martin Hulka did provide maintenance.

17                  After that, Jeff Hepler become the drain  
18 commissioner. His staff and himself did maintenance  
19 on that drain. After that, I don't know if  
20 Mr. Fisher did any maintenance on the drain.  
21 Stephanie probably could answer that. And I don't  
22 believe that the present drain commissioner has done  
23 any -- any maintenance on the drain.

24                  The comment by our -- our engineer, I've  
25 been told that the mechanism that transfers the water

1 under the -- is working well. He alludes there's  
2 problem. I know prior drain commissioners said they  
3 would go to the outlet that's in the lake and clean  
4 weeds out of it, so I don't think anybody has been  
5 cleaning the weeds out of the -- the inlet into that  
6 thing. That's the only comment.

7 Anybody want to tour the Ribe Drain, I  
8 live on it and I'd be glad to give a person a tour,  
9 show them, answer any questions. A lot of this is  
10 wrong that our engineers put up.

11 MR. TOM JASICK: Thanks, Chuck.  
12 Appreciate that. Thank you. All right. I believe  
13 we have a presentation by the township here of  
14 Dalton.

15 MR. JIM SCALES: Thank you. My name is  
16 Jim Scales from Mika Meyers in Grand Rapids. I am  
17 Dalton Township's attorney. Tony Barnes, the  
18 township supervisor, is here with me tonight. We are  
19 here to oppose any finding that this drain  
20 improvement project would have a benefit or is  
21 necessary for the public health of the people of  
22 Dalton Township. Only about 20 percent of the people  
23 that live in Dalton Township are within this drain  
24 district. And there are about 9900 people that live  
25 in Dalton Township and I think tonight we've heard 1

1 or 2 people speak in favor of this project.

2 Our position is the project is not  
3 necessary in the first place. But put it another  
4 way, is the drain functioning in a way that is  
5 currently causing a threat to the public health?  
6 Tony has some -- some videos to show you in a few  
7 minutes that were taken just a few weeks ago during a  
8 period of very heavy rainfall, on top of snow back,  
9 and it will demonstrate that the drain is functioning  
10 properly.

11 We did not have the opportunity to  
12 participate in the circuit court of appeal of your  
13 original decision that the project wasn't necessary.  
14 In the first place, we didn't know about it. In the  
15 second place, this second decision not having been  
16 made, we would not have had a basis for being in that  
17 case because you have -- you did not determine back  
18 then and still haven't determined whether this  
19 project is necessary for the public health of Dalton  
20 Township.

21 And again, what we're talking about here  
22 tonight in Dalton Township's case is everybody in  
23 Dalton Township, including the 80 percent of the  
24 taxpayers that are not in the drainage district, are  
25 they going to have to contribute general fund money

1 for this drain project that can't go to the fire  
2 department operations, it can't go to assessing, or  
3 zoning enforcement or ordinance enforcement. So  
4 that's why it's important to Dalton Township and  
5 that's why -- that's why we're here tonight.

6 The second thing, and I'll sound like a  
7 lawyer for a minute here, we don't have the burden of  
8 proof, of proving to you that this project is not  
9 necessary. Your job is to determine whether, based  
10 on what has been presented to you, these drain  
11 improvements are necessary for the public health of  
12 the entire township, and we submit that they're not.  
13 We haven't heard any data or statistics about septic  
14 tank failures. We haven't heard any talk about roads  
15 being flooded. We haven't heard any data about  
16 diseases or ecoli or phosphorus or any problems in  
17 the lake. There's nothing in front of you that would  
18 justify finding that there's a public benefit from  
19 this project to the township.

20 The township also has limited powers. The  
21 township doesn't run the roads. We heard about the  
22 condition of one of the bridges. That, I think,  
23 falls on the road commission for not taking care of  
24 it. We don't have parks. We don't run the public  
25 access to these lakes. Anybody in the State of

1 Michigan or anywhere can use these lakes for access.  
2 There's no particular benefit to the citizens of  
3 Dalton Township from improvements to the lake above  
4 that which falls on the people that actually live on  
5 that lake.

6 So in -- you know, in conclusion of that  
7 issue, you just haven't been presented with data that  
8 justifies a finding that there's a public health  
9 benefit for this project.

10 We did present to you a letter from our  
11 firm with affidavits from the township supervisor,  
12 treasurer and clerk, and please, please do take some  
13 time to look at those. Tony Barnes did submit an  
14 affidavit very similar to what Crystal from Cedar  
15 Creek Township submitted. They have not been  
16 receiving complaints about this drain. And, again,  
17 this does not serve any public facilities that  
18 benefit all the residents of the township. This  
19 project, if it is necessary at all, is for the  
20 benefit of the people that are in this drainage  
21 district, it does not benefit the people that are not  
22 in this drainage district.

23 In addition, in the packet of information  
24 in -- attached to the affidavit from Tony, we did  
25 hire a consulting engineer from Traverse City, the

1 Gourdie-Fraser firm, to come and take a look at the  
2 Twin Lake outlet. His conclusion, like many people  
3 have said tonight, is that the issue is that the  
4 channels between the lakes have not being cleaned out  
5 and that's what's preventing the flow. And in the  
6 engineer's conclusion, he concludes that improvements  
7 downstream from the Twin Lake outlet are not going to  
8 have an impact on that -- on that.

9 In addition, you know, we became aware of  
10 a letter from the drain commissioner dated back in  
11 2014, probably 10 months before the petitions came  
12 in, in support of a grant stating that she was  
13 committed to assessing this project, so I think that  
14 shows that there was an intention for this project to  
15 go ahead before anybody even asked for it.

16 So in short, this project is not necessary  
17 to alleviate any public health risk. It doesn't  
18 benefit the 80 percent of the people in the township,  
19 the over 9,000 people that live in Dalton Township,  
20 except for the people that, you know, might be  
21 benefited if they lived directly on the drain or if  
22 they're in the drainage district. So we would ask  
23 that you find that -- that there is no necessity for  
24 this project to prevent -- to preserve public health.

25 And I think I'll turn it over to Tony now

1 and he has some videos that show the functionality of  
2 the drain and can walk you through those.

3 MR. TONY BARNES: All right. I don't need  
4 a microphone. My name is Tony Barnes. I'm the  
5 Dalton Township supervisor. Everybody knows. I did  
6 supply the BOD with some pictures. They were  
7 taking --

8 UNIDENTIFIED SPEAKER: Need a mic.

9 UNIDENTIFIED SPEAKER: Can't hear you.

10 MR. LOU NORDLUND: Yep. You do need a  
11 microphone.

12 MR. TONY BARNES: Are you serious?

13 MR. LOU NORDLUND: There's a lot of people  
14 here.

15 MR. TONY BARNES: There's not many that  
16 say that.

17 MR. LOU NORDLUND: Yeah.

18 MR. TONY BARNES: All right. My name is  
19 Tony Barnes. I'm the Dalton Township supervisor.  
20 I've been taking pictures of this Ribe Drain since  
21 the ice melted last winter -- or last spring, if you  
22 will.

23 I agree that the channels are choked up.  
24 I'm going to show videos that -- pictures were left  
25 up here showing that the channels are not flowing.

1 They did, however, flow as soon as the ice melted  
2 because the lake was high. When I opened the manhole  
3 cover for the Ribe Drain, it was about an inch from  
4 the top.

5 I will say that water was going over land  
6 from West Lake to Middle Lake and from Middle Lake to  
7 Twin Lake and out the lake lever just fine. The  
8 snapshot in time that was taken by the engineer shows  
9 the water at I believe he said 16 inches. It's  
10 closer to basically 75 percent capacity is the way I  
11 looked at it. The water went down. It wasn't until  
12 even 4th of July, if you recall, the water was still  
13 high. They had to build a platform to launch  
14 fireworks off of when typically they do it on the  
15 island. It wasn't until August 8th when I opened  
16 that manhole cover when it finally hit the lake  
17 elevation it was supposed to be, but by that time all  
18 the water coming from West Lake to Middle Lake had --  
19 the channels are clogged, so there's no more water  
20 flowing from one to the next. Same thing from Middle  
21 Lake to Twin Lake. In fact, I have a video that  
22 shows walking from Middle Lake to Twin Lake and it's  
23 beach sand.

24 So I want to show you a couple of videos  
25 where in this latest anomaly where we just had a

1 whole bunch of rain and snow melt and road storm  
2 water runoff where the drain functioned flawlessly.  
3 So if anyone has any questions after this, I am  
4 available for answering questions and I think our  
5 attorney would be, too. So if anyone has any  
6 questions, otherwise I'm going to play a couple of  
7 these videos.

8 And I'd like to make sure that the record  
9 reflects that you do have the pictures and we're  
10 asking that the -- there's no public health benefit  
11 for the entire township. We claim these channels,  
12 there hasn't been a health issue. PLM takes care of  
13 the lakes, everyone knows that. There's an  
14 assessment on that, too, so they come in regularly.  
15 They check the lake, they test it. So there hasn't  
16 --

17 If it comes to septic systems, I heard  
18 that brought up, the Muskegon County Health  
19 Department deals with it. We've had a couple of  
20 residents call thinking they had an odor and we sent  
21 the health department out there. We take care of it.

22 So there's no public health issue for the  
23 majority of the township, so that's why we're  
24 presenting this to you tonight.

25 MR. LOU NORDLUND: Thank you.

1 MR. TONY BARNES: All right. I'm going to  
2 play a couple of videos.

3 (Whereupon video playing.)

4 MR. TONY BARNES: Okay. What you're  
5 looking at right now is standing on McMillan --  
6 Michillinda Road and it makes a 90-degree turn into  
7 that channel. I don't know how well you can see  
8 that, but that was after all the snow melt, we had  
9 all that rain. The Ribe Drain is flowing fine.  
10 Makes a 90-degree turn under the culvert. I walked  
11 across Michillinda Road and here is the culvert where  
12 pretty much we could have kayaked all the way down  
13 that Ribe Drain. And there's still probably 4 foot,  
14 3-1/2 foot of bank on each side of it, so I don't  
15 know what the engineer thinks they're going to do to  
16 make that drain flow any better. It's flowing. So  
17 that's -- that's the Ribe Drain looking south or  
18 downstream from McMillan Road.

19 UNIDENTIFIED SPEAKER: Michillinda.

20 MR. TONY BARNES: Michillinda. Thank you.  
21 Okay. This location is on Rich Road looking -- this  
22 is actually on the Brandstrom Drain. That's looking  
23 down Rich Road as the water -- storm water is coming  
24 down right there. This is straight across into Cedar  
25 Creek, looking upstream on the Brandstrom Drain. And

1 that is a tributary to the Ribe Drain. It's in the  
2 Ribe Drain District, but they're not touching any  
3 part of this. You look on the other side, the water  
4 again is flowing flawlessly and feeding into the Ribe  
5 Drain.

6 So this one is on the Brandstrom Drain,  
7 it's over by Rich Road. That's where it crosses.  
8 You'll see that that's a brand new culvert. And you  
9 can tell in one of these pictures that are in the  
10 packet, the Board can take a look at, there's brand  
11 new section of asphalt that's probably about 10 foot,  
12 12 foot wide and they put a brand new culvert there,  
13 so this drain is flowing just fine, too. These  
14 people are -- I mean, even Cedar Creek, you're  
15 looking towards Cedar Creek right now. I don't  
16 understand how we can even be talking about a special  
17 assessment when they're not touching this particular  
18 part of it. It's contributing just fine and flowing  
19 all the way down into the Ribe Drain and it's  
20 handling sufficiently.

21 All right. A couple days later, I'm  
22 standing on Michillinda Road after this rain and you  
23 can see that the Ribe Drain is still working  
24 flawlessly. Took all that water and it pushed it  
25 down the drain and it did its job. So that's where

1 it makes its 90-degree turn, goes under the culvert  
2 on Michillinda. I was in the red truck this day.  
3 And as you cross the street looking downstream, you  
4 can see that the water level drops significantly.  
5 This was two days later. I was a little busy the  
6 second day, otherwise I would have done it then. But  
7 this one right here shows you that it took a large  
8 volume of water and sent it down the Ribe Drain.

9 The point of cleaning it to me is  
10 pointless. The public health benefit of this is  
11 where we're talking about tonight. I don't know what  
12 you do downstream to make this eradicate some public  
13 health benefit. I don't -- I don't see it.

14 Here is after the water had gone down at  
15 the -- I mean, it's flowing -- I don't know anybody  
16 here that can tell me that's not flowing. If I had  
17 volume, you would hear the water is running just  
18 fine. You can see that wet line right there. That  
19 meant that the water was at least four inches, five  
20 inches higher with -- and it went down that night.  
21 Five inches, it went down. So no one can say that  
22 this drain doesn't work. It's flowing just fine.  
23 Might be a little bit of cattails in there. I think  
24 someone mentioned cleaning. I think they used to  
25 dive down, there's a T at the end of that pipe that

1 goes out into Twin Lake, but you can see there's a  
2 few cattails there, but the water is definitely  
3 flowing quite fast, and this was after the rain.

4 This is also on Rich Road looking at the  
5 Brandstrom Drain, that's coming down Tyler -- or I'm  
6 sorry, Rich. And looking at this Brandstrom Drain  
7 after the rain had subsided, you can see that there's  
8 still water working through there. They're not  
9 dredging it. They're not doing anything to it. The  
10 culvert, you could have walked through it. It's  
11 huge, brand new. That's all part of this.

12 I mean, everyone around this area is going  
13 to pay, but they're not touching this. The water is  
14 flowing fine. I don't -- I don't understand where  
15 there is a public health benefit to the township when  
16 this water is moving away. And if you notice,  
17 there's the new cement asphalt right there on Rich  
18 Road. So that culvert, I was trying to demonstrate  
19 to you, is brand new, relatively new.

20 So there it is going downstream heading  
21 towards the Ribe Drain.

22 This is the McMillan Road Bridge. This is  
23 where it transitions from the Ribe Drain into Bear  
24 Creek. I don't know that that's anywhere in the  
25 proposal to change any of this or the engineering

1 plans to change any of this, but that bridge right  
2 there handled every bit of water you just saw. And I  
3 -- I can tell you right now, when I took -- went out  
4 there and took these videos, the phone blew up that  
5 day, 20 inches of water on some of these roads --  
6 Cady Road, Belfast, Fowler. It was deep over there.  
7 I have the voice messages. I think I saw Brad here  
8 earlier today. He's one been calling me on it, too.  
9 There's a lot of people that called and said there's  
10 a lot of water and -- and I've demonstrated to you  
11 that it was sent downstream just fine.

12 MR. TOM JASICK: Tony, how many more?

13 MR. TONY BARNES: That's it. That's my  
14 last video, so I thank you for giving me the  
15 opportunity to show you that video.

16 My question, I guess I haven't heard from  
17 the drain commissioner, I haven't heard from the  
18 engineer, I haven't heard from their attorney, I  
19 don't think the Board has heard anything as to how  
20 this is going to be a public health benefit to the 80  
21 percent of the township that doesn't live anywhere  
22 near this. So at this point, that's -- I would ask  
23 that we defer and it not be a public health benefit  
24 to the people outside of the district.

25 MR. TOM JASICK: Thank you.

1 MR. LOU NORDLUND: Thank you.

2 MR. TOM JASICK: We're ready to close.

3 MR. LOU NORDLUND: Okay. Move that we  
4 close public comment.

5 MR. BRIAN MULNIX: Support.

6 MR. TOM JASICK: I support that.

7 MR. LOU NORDLUND: Okay. How say we?

8 MR. TOM JASICK: Aye.

9 MR. LOU NORDLUND: Aye.

10 MR. LOU MULNIX: Aye.

11 MR. TOM JASICK: The meeting is now closed  
12 to the public.

13 MR. LOU NORDLUND: Yep, but you can sit  
14 there and listen to us. I think you're supposed to  
15 be able to, aren't they?

16 MS. STACY HISSONG: Deliberations have to  
17 be open. Sorry.

18 MR. TOM JASICK: All right. Then let me  
19 start. I've learned nothing more than I learned  
20 three years ago. Okay? Nothing has changed in --  
21 about this project, but we're not here to talk about  
22 the project because the project is going to go on.  
23 That's not what we're here for tonight. That was  
24 made very clear to me.

25 It was for me to make one of the three

1 votes that says do I think this is a public health  
2 concern to the community, to the townships, either  
3 one of them or both or whatever. That -- that  
4 argument has not been made to me. I -- I did not  
5 hear it.

6 I heard about a basement. I heard about  
7 black mold. I heard about somebody who has got a  
8 septic system that doesn't work well when the water  
9 is high. I hear you. I -- I've had some of those  
10 same issues myself. But the argument has not been  
11 made for me to say I think this is a public health  
12 concern.

13 MR. LOU NORDLUND: Okay. As far as what I  
14 heard here today for -- We have to do it one at a  
15 time or can we just make general comments first?

16 MS. STACY HISSONG: You can make general  
17 comments.

18 MR. LOU NORDLUND: Okay. I heard an awful  
19 lot about the drain project, a lot of the same  
20 arguments that were presented the last time we had  
21 this last summer. A lot nicer day today, though.  
22 And I haven't heard much presentation about a public  
23 health concern. There -- there wasn't anything  
24 presented that said there was, you know, sewage going  
25 into the lake. I didn't hear anything about roads

1 being washed out or anything like that. So I guess I  
2 don't see a lot of public health concern with -- with  
3 what's been presented tonight. I haven't heard  
4 anything about that.

5 MR. BRIAN MULNIX: I also agree that I  
6 have not heard the evidence for a public health  
7 concern. I do have a concern as far as voting on  
8 this, because am I understanding this correctly that  
9 if we vote no, that we don't feel that there's a  
10 health issue --

11 MR. LOU NORDLUND: For the township.

12 MR. BRIAN MULNIX: -- for the township,  
13 then the burden comes to the residents. Is that  
14 true?

15 UNIDENTIFIED SPEAKER: Yes.

16 UNIDENTIFIED SPEAKER: Yes.

17 MR. TOM JASICK: It's going to be that,  
18 anyhow.

19 MR. BRIAN MULNIX: It's going to be  
20 that --

21 MR. TOM JASICK: It's that anyhow.

22 MR. BRIAN MULNIX: Sure. But I -- And I  
23 just wonder if the ability of the townships to take  
24 this to a further appeal or something is stronger  
25 than the residents, so I don't -- I don't know what

1 the answer to that is, but --

2 MR. TOM JASICK: I guess from my  
3 perspective, the money is not what I'm here to listen  
4 about. If the project is going to make the culvert  
5 brand new culverts or dig two more feet out or get  
6 all the cattails, that's not what I'm here to talk  
7 about or even decide tonight. My direction tonight  
8 is is this a public health concern or condition.

9 UNIDENTIFIED SPEAKER: Speak up.

10 MR. TOM JASICK: The reason I'm here is  
11 not to talk about or listen to how the drain doesn't  
12 work because nobody has cleaned it out in 20 years.  
13 So be it. If that's the way -- the problem then  
14 that's the problem. But that's not what I'm here to  
15 talk about tonight or listen to. I listened to it,  
16 just like I did two years ago, and said I don't think  
17 it's an issue. It's not an issue for the township,  
18 for -- for the community. Somebody hasn't done their  
19 job properly. Okay? Nothing has changed.

20 So this is not a public health thing is  
21 what I've been asked to decide. In my opinion, this  
22 is not a public health issue.

23 UNIDENTIFIED SPEAKER: Is there any way I  
24 can say one thing?

25 MR. LOU NORDLUND: Public comment has been

1 closed.

2 UNIDENTIFIED SPEAKER: I know, but the  
3 three of you guys are make -- have got to make a  
4 decision. I don't want to be in your shoes.

5 MR. TOM JASICK: I've already made mine.

6 UNIDENTIFIED SPEAKER: I don't think you  
7 guys have heard enough to make a decision. Neither  
8 have I and I can't -- I don't think anyone --

9 MR. LOU NORDLUND: That's what the hearing  
10 for today was for was to present evidence to -- you  
11 know, to decide whether or not we feel that Cedar  
12 Creek Township or Dalton Township has a public health  
13 issue because of the Ribe Drain. Is that correct?

14 MS. STACY HISSONG: Yes. So now you can  
15 vote.

16 MR. LOU NORDLUND: Okay. And like I say,  
17 I didn't hear very much evidence brought forth about  
18 public health. It wasn't presented. I didn't hear  
19 anything about water quality. I didn't hear any, you  
20 know, tests or reports about it. We didn't hear that  
21 evidence. We heard a lot of comments about the  
22 drain.

23 MR. BRIAN MULNIX: I'm kind of in a tough  
24 spot here. I mean, I agree with both of these guys.  
25 I don't agree that this is necessary and I wonder --

1 I wondered why -- why we're even being presented this  
2 in the first place. But what -- what -- Are our  
3 only options yes or no?

4 MR. LOU NORDLUND: Yes.

5 MR. BRIAN MULNIX: Can we abstain because  
6 we don't feel it's, you know, been presented to us?

7 MR. LOU NORDLUND: You have to say yes or  
8 no.

9 MR. BRIAN MULNIX: Is that true? Can we  
10 ask our attorney that?

11 MS. STACY HISSONG: The question is can  
12 you abstain? I can't physically force you to vote,  
13 but the drain commissioner needs a determination as  
14 to the public -- the necessity for public health so  
15 as to the townships. So if you abstain from voting  
16 then we have to do this again until we get one.  
17 Okay?

18 MR. BRIAN MULNIX: Just curious.

19 MS. STACY HISSONG: Nope. I think that's  
20 a fine question, but that's what this is about.

21 MR. LOU NORDLUND: I'll call for a vote.

22 MS. STACY HISSONG: Well, there's two  
23 motions, so a motion needs to be made before you  
24 vote.

25 MR. LOU NORDLUND: Okay. So the first

1 motion here, I'll make a motion that the proposed  
2 maintenance and improvement of the Ribe Drain is or  
3 is not necessary for the protection of public health  
4 in Cedar Creek Township.

5 MS. STACY HISSONG: So your motion was is  
6 or is not. You got to pick one, is necessary or is  
7 not necessary.

8 MR. LOU NORDLUND: Okay. Well, shucks.  
9 Okay. So I will move that the proposed maintenance  
10 and improvement of the Ribe Drain is not necessary  
11 for the protection of public health for Cedar Creek  
12 Township.

13 MR. TOM JASICK: I agree.

14 MR. LOU NORDLUND: Do we have to second  
15 first?

16 MS. STACY HISSONG: Yes, a second and then  
17 a vote.

18 MR. TOM JASICK: Okay. I second that.

19 MR. LOU NORDLUND: Okay. And how do we  
20 vote?

21 MR. TOM JASICK: I agreed, it's not  
22 necessary.

23 MR. BRIAN MULNIX: I agree that it's not  
24 necessary.

25 MR. LOU NORDLUND: And I guess it's

1 unanimous, then. Okay.

2 And then I make a motion that the proposed  
3 maintenance and improvement of the Ribe Drain is not  
4 necessary for the protection of public health in  
5 Dalton Township. Whoops. What's that last little  
6 bit? A portion or all?

7 MS. STACY HISSONG: You don't have to go  
8 through that.

9 MR. LOU NORDLUND: Okay. Don't have to  
10 say that. Okay. That's my motion, then, is not  
11 necessary for public health.

12 MR. TOM JASICK: I second that.

13 MR. LOU NORDLUND: Okay. It's been  
14 seconded. How do we vote?

15 MR. TOM JASICK: I agree it is not  
16 necessary.

17 MR. LOU NORDLUND: I agree it is not  
18 necessary.

19 MR. BRIAN MULNIX: I agree that it's not  
20 necessary.

21 MR. LOU NORDLUND: Okay. It is unanimous.

22 MS. STACY HISSONG: Move to adjourn.

23 MR. LOU NORDLUND: Okay. I vote to -- or  
24 I move to adjourn the meeting. Someone want to  
25 second it?

1 MR. TOM JASICK: I second that.

2 MR. LOU NORDLUND: Okay. Let's vote. All  
3 in favor, say aye.

4 MS. CRYSTAL SMITH: Appeal process.

5 MR. BRIAN MULNIX: Aye.

6 MR. TOM JASICK: Aye.

7 MS. CRYSTAL SMITH: Can we discuss the  
8 appeal process that's on the agenda before we move  
9 on?

10 MS. STACY HISSONG: We can. There's an  
11 opportunity to appeal to probate court. And if you  
12 want specifics on that, you should seek your own  
13 legal counsel with regard to that.

14 MR. LOU NORDLUND: Thank you all for  
15 coming and we appreciated your input.

16 (Whereupon, meeting concluded.

17 at 8:31 P.M..)

18 --ooOoo--

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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.

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Dated at Muskegon, Michigan, this 7th day of March, 2018.

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



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