STATE OF MICHIGAN

OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

IN THE MATTER OF:

Erickson Drain

Board of Determination for

Erickson Drain

November 28, 2018
6:35 P.M.

Reeths-Puffer Middle School
1500 North Getty Street
North Muskegon, Michigan

Board of Determination:
Mr. David Split (chairman)
Dr. Tom Tisue (secretary)
Mr. Ken Erdman
Ms. Sharon Ackerman (alternate)

Engineer:
Dan Fredricks

RECORDED BY: Michelle M. McKee, CSR 3841
Certified Shorthand Reporter
MS. BRENDA MOORE: Good evening. We're going to call the meeting to order here -- hearing or whatever. I'm Brenda Moore. I'm the County Drain Commissioner. Where's Stephanie?

MR. COLE HEDRICK: She ran out front to make sure that --

MS. BRENDA MOORE: Stephanie Barrett, when she comes in, she's got shoulder-length hair, she's our deputy -- deputy drain commissioner.

Tonight, we're going to have a Board of Determination for the Erickson Drain. And I'm here and Stephanie is here to answer questions. Basically, the process is taken care of by our Board of Determination and these are citizens that I appoint that cannot live in the district and cannot live in the communities that the Erickson Drain is in.

So we've also got Dan Fredricks is the project engineer, so he'll be giving a presentation after we hear from the public. Stacy Hissong is the attorney for the drain district. Cole Hedrick is back there. He works with Stacy.

We've got our Board of Determination members: Ken Erdman, Dr. Tom Tisue--

UNIDENTIFIED SPEAKER: Can't hear you.
MS. BRENDA MOORE: I'm sorry.

(Whereupon, unintelligible conversation.)

MS. BRENDA MOORE: Stephanie Barrett. So we've got Ken Erdman --

MS. STEPHANIE BARRETT: Microphone.

MS. BRENDA MOORE: Thank you. Shall I start over? You know I'm Brenda Moore, Drain Commissioner. Stephanie Barrett, Deputy Drain Commissioner. I thought I had a good loud voice. Dan Fredricks, project engineer. Stacy Hissong, district attorney, with Cole Hedrick, who is helping her. They're from the same firm. We've got Ken Erdman, Dr. Tom Tisue, David Split, Sharon Ackerman is our alternate. Michelle McKee actually is a court reporter. She's taking everything down verbatim. We'll have the transcript available usually in about a week.

And so what I'm going to do now is administer the oath for the Board of Determination and then I'll turn it over to Stacy Hissong and she'll talk about kind of the process. Okay?

Would you all raise your right hand, please? You too, Ms. Ackerman. Thank you. Do you each solemnly swear that you will faithfully perform and discharge the duties imposed upon you as required
by law as members of the Board of Determination
appointed by the Muskegon County Drain Commissioner
to determine the necessity for maintenance and
improvement of the Erickson Drain located in Dalton
Township in said county? Do each of you affirm that
you are land owners and residents of Muskegon County
but do not own lands or reside in Dalton Township?

    MR. KEN ERDMAN: I do.
    DR. TOM TISUE: I do.
    MR. DAVID SPLIT: I do.
    MS. SHARON ACKERMAN: I do.
    MS. BRENDA MOORE: Thank you. If I could
    have you just pass this down and sign the statement,
    that would be great. And then we can have Stacy take
    over.

    MS. STACY HISSONG: I think the next item
before going through the role and function of the
Board is actually the election of a secretary and a
chairperson. So my experience has been someone needs
to make a motion for someone being chairperson.

    DR. TOM TISUE: Nominate Mr. Split.
    MR. KEN ERDMAN: I support.
    MR. DAVID SPLIT: I accept.
    MS. STACY HISSONG: Then there would be a
nomination for secretary.
MR. KEN ERDMAN:  I'll nominate Tom.

MR. DAVID SPLIT:  Second that.

MS. STACY HISSONG:  See how that works?

The first person to make the motions doesn't have to do --

MR. COLE HEDRICK:  Stacy, is it okay for the alternate to make the motion?

MS. STACY HISSONG:  So actually, it is -- Ms. Ackerman is the alternate.

MR. COLE HEDRICK:  Okay.

MS. STACY HISSONG:  Yep.

MR. KEN ERDMAN:  Typo.

MS. STACY HISSONG:  So the next item, Mr. Chair, if it's okay, is to go through the role and function of the Board.

MR. DAVID SPLIT:  Yes.

MR. TONY BARNES:  Would it not be to do roll call on those last two motions?

MS. STACY HISSONG:  So a roll call vote isn't required for everything.

MR. TONY BARNES:  Vote on the motion?

MS. STACY HISSONG:  I think it was accepted. So, Mr. Chair, there's been a question about actual formal voting on the chair and secretary. You can make that decision whether you
should move forward to do that. I would recommend that you do.

MR. DAVID SPLIT: Sure. Yes.

MS. STACY HISSONG: So you want to call each question separately.

MR. DAVID SPLIT: Okay. We'd like to vote on the chairperson. David Split has been nominated.

MR. KEN ERDMAN: All in favor.

MR. DAVID SPLIT: All in favor?

MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: It's agreed upon.

MS. STACY HISSONG: And the secretary, as well.

MR. DAVID SPLIT: And the secretary to be voted on, Tom Tisue?

MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: Aye. Secretary is confirmed, it's Tom Tisue.

MS. STACY HISSONG: The next item on the agenda is rules of --

MS. BRENDA MOORE: Question, please? I'm sorry. I just want Dr. Tisue to know he doesn't have to take notes. Stephanie is taking minutes. She'll
review them. I saw him reaching for stuff and Ms. McKee is our transcriptionist, so you need to just review and sign.

DR. TOM TISUE: I understand perfectly well, but I'm --

MS. BRENDA MOORE: Okay. All right.

DR. TOM TISUE: -- take a few anyway for my own purpose in the hopes of staying --

MS. BRENDA MOORE: Yes, sir. Yes, sir.

MS. STACY HISSONG: Mr. Chair, the next item on the agenda is the rules of public comment. If anyone wishes to make motions with regard to that, you may. You're not required to.

MR. DAVID SPLIT: We would like to accept a three-minute ruling on the time limit for people to speak and make comment.

MS. STACY HISSONG: Is that a motion?

MS. TAMMY BARNARD: We request five minutes.

MS. STACY HISSONG: So that's a motion, Mr. Chair, that you're making or you're asking for a motion?

MR. DAVID SPLIT: We can make that a motion.

DR. TOM TISUE: I certainly second.
MS. STACY HISSONG: And then a vote on that.

MR. DAVID SPLIT: Vote on the three-minute public comment?

MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: Aye.

MS. STACY HISSONG: So if you'd like, I can move to the role and function of the Board of Determination.

MR. DAVID SPLIT: Yes.

MS. STACY HISSONG: Thank you. My name is Stacy Hissong. I'm an attorney for the drainage district and I'm going to talk a little bit about what tonight's Board of Determination is about.

A petition was filed a little over a year ago with the Muskegon County Drain Commissioner for the maintenance and improvement of the Erickson Drain. So the Erickson Drain is already an established county drain. It has been for decades and decades and there's already a drainage district or a special assessment district that is set up for the Erickson Drain.

So a drainage district is the same as a special assessment district and it's basically
synonymous with a watershed. So if your water -- If your property contributes water to the Erickson Drain, then you're part of the watershed, you're part of the drainage district, you're part of the special assessment district. So if your property was found to be part of this special assessment district, you should have received a notice in the mail for today's hearing.

So after a petition is received, the drain code requires that the drain commissioner hold a Board of Determination, basically appoint board of determination members to hear whether the petition is necessary or not. So that's the purpose of today's hearing.

The Board of Determination will hear testimony from anyone who wants to present testimony as to whether maintenance and improvement of the drain should take place or not. After that testimony, the engineer will provide a short Power Point presentation on the condition of the drain -- not necessarily what a project would be, but what the drain looks like today or, you know, currently.

And then the Board of Determination will make a decision whether a petition is necessary or conducive to the public health, convenience or
welfare. So those are the words that they're going to hear in the motion, whether it's necessary or not necessary, because those are the words that are used in the drain code. So is the petition or is maintenance and improvement of the drain necessary or not necessary for the public health, convenience or welfare.

So, they make that decision. And if they decide it is necessary, then they move to a second question, and that is whether the municipalities within the drainage district receive a benefit to public health in general such that they should -- that municipality should receive an at-large assessment as part of the drain assessments.

So I think it's important to understand that's what the meeting is about, but also is equally important to understand what we are not deciding today. So the Board's sole decision is should something happen, should work take place, based on the petition or not. The Board of Determination does not decide the scope of that project. They don't decide we should only do work on Mr. Jones' property but not on Mr. Smith's, we should only replace this culvert and not that culvert. They don't make any of those decisions. They decide, yes, something needs
to be done or, no, something does not need to be
done. They don't decide what the something is.

If it's found necessary, then the drain
commissioner will work with an engineer to come up
with a scope of a project and that's how the scope of
the project is determined. It is not determined by
the Board of Determination.

The Board also doesn't decide how much the
project will be or who is going to pay for it. Once
again, the Board only decides, yes, it's necessary;
and if it's necessary, should the municipalities or
the township, as an example, participate in helping
pay for that because of a benefit to public health or
not. The decisions as to what the scope of the
project is, the total cost of the project and then
what the special assessment rule would look like,
which property owners are paying what, are later
decided by the drain commissioner. And there will be
a separate day where the apportionment of benefits or
that special assessment rule is looked at if there
is, indeed, a project.

If it is voted by this Board -- and it
does not have to be unanimous, it can be by majority
vote -- that it is not necessary, then this process
ends here and no petition can be filed again for at
least one year. So that is what the testimony should
basically be about is assisting the Board of
Determination in making a decision should something
be done on the Erickson Drain or not.

And so in terms of the next step, it would
be on the agenda, public testimony. So comment cards
have been given out. And I'm not sure if they have
been collected, but we can do this by two ways,
Board, is either by comment cards that were submitted
or by the raising of the hand, whatever you deem
appropriate. We did ask people if they wished to
speak to fill out a comment card and here are the
comment cards available to you (indicating).

MR. COLE HEDRICK: If anybody else wants
to hand one in, just raise your hand and I'll get one
to you.

MR. DAVID SPLIT: Has everyone had a
chance to put in a comment card?

MS. STEPHANIE BARRETT: Yeah, but --

MS. TAMMY BARNHARD: Can we not see the
presentation first in order that we can ask educated
questions?

UNIDENTIFIED SPEAKER: (Unintelligible)
what the presentation is.

MS. STACY HISSONG: So hold on a second.
There's a court reporter here. And I appreciate that everyone is going to get an opportunity to speak according to the agenda, but we do have a court reporter here taking a transcript of everything that is said and it's very difficult for her to do that and list who is speaking if more than one person is speaking at the same time and that person isn't recognized by this Board to speak. So we ask that you refrain from making comments so that the court reporter can very accurately take a transcript of what's being said.

Okay. Board?

UNIDENTIFIED SPEAKER: I'd like to make a question. I'd like to make a comment.

MS. STACY HISSONG: Hold on a second. The Board hasn't moved forward yet. So Board, we have two microphones, because I think you're going to want to have a microphone for the property owners to speak to and we have a lapel one, so you might want to use the lapel microphone --

MR. DAVID SPLIT: Sure.

MS. STACY HISSONG: So that people can also hear you. Hello, hello. There you go.

MR. DAVID SPLIT: We'd like to start off possibly show of hands of people that live in the
district here.

(Whereupon, hands raised.)

MR. DAVID SPLIT: Thank you. We'd like to open up the meeting with some public comment.

MS. STACY HISSONG: You have the cards right here.

MR. DAVID SPLIT: Yeah. Let's go by the cards we have here. Please stand, give us your name and address, starting with Mark Mann.

MR. MARK MANN: Hi. My name is Mark Mann. I live at 1240 East Riley-Thompson. And before I make any comments, I'd like to know what the petition is. I'd like to know why it was put in. We can't make any educated comments without knowing what the petition is. So this is just -- You know, if you're going to open it up for a bitch session without knowing what the petition is, it's just, you know, a can of worms that's going to be a mess.

MS. STACY HISSONG: So Board, you have a copy of the petition. If the Board wishes to read it to the audience, you may do so. Also, the Board may choose to hear from the petitioners first to answer some of those questions, if you'd like.

DR. TOM TISUE: You want me to read it?

Copy of the petition that I have reads: To the
Muskegon County Drain Commissioner. The signers of this petition request the maintenance and improvement of the Erickson Drain as provided in Chapter 8 of Public Act 40 of 1956 as amended to alleviate drainage issues in the drainage district.

Paragraph two, the Erickson Drain is located in Dalton Township, Muskegon County, Michigan.

Paragraph three, this petition is signed by at least five freeholders with lands liable for assessment in the Erickson Drain Drainage District. The signers acknowledge and understand that this petition may be circulated and signed in counterparts, and that all such counterparts together constitute a single petition.

UNIDENTIFIED SPEAKER: Does that answer your question?

UNIDENTIFIED SPEAKER: So they're just asking for improvements?

MR. DAVID SPLIT: I believe it would be favorable to see a drawing on this drain. Can we have engineering present a --

MR. DAN FREDRICKS: You want the drainage district? I can put up --

MR. DAVID SPLIT: Yeah. If you could
please --

MR. DAN FREDRICKS: -- a slide where the

MR. DAVID SPLINT: Yeah, that would be
good. A lot of us are wondering what this all

composes.

MS. STEPHANIE BARRETT: There's a map on

the back.

MR. DAN FREDRICKS: There is a map on
everybody's -- the back of it, too.

MS. STEPHANIE BARRETT: On the back.

MS. BRENDA MOORE: Mr. Chair?

MR. DAVID SPLINT: Yes?

MS. BRENDA MOORE: Since I had some

conversation with the petitioners, would you like me
to speak to that?

MR. DAVID SPLINT: Yeah. That would be

very helpful. Brenda Moore, Muskegon County Drain

Commissioner will speak here.

MS. BRENDA MOORE: Basically, we heard

from a couple blueberry farmers. And this is real
generic, because I can't speak for the other signers.

But kind of what started this is there's -- and I

think it's True Blue had problems in their blueberry

field and they asked about extending the drain to
help them. There's another farmer -- blueberry farmer that's had flooding problems.

So as I understand it, and if they're here they can expound upon it, but it started primarily with a couple blueberry farmers saying we're getting flooded, we're going to lose our crop, we may need some help. And so especially when extending the drain, like putting another branch on to help a property owner can't be done without a petition, so that's where the process usually starts.

MR. MARK MANN: So are these new blueberry fields or are they existing blueberry fields or did someone put in a blueberry field in an area that's prone to flooding?

MS. BRENDA MOORE: Existing.

MS. STEPHANIE BARRETT: The question was are these new blueberry fields and the Drain Commissioner said they were existing.

MR. TONY BARNES: Point of order, still.

MR. DAVID SPLIT: Well, let's continue with the public questioning. Dawn Krager, speak, please.

MS. DAWN KRAGER: Yes. I think we've paid for this the last two years and we haven't seen anything. They were supposed to come out and explain
to me how water can flow uphill. To me, it can't be done.

And our drain is broke. The road commission has come out and filled our road because of a big hole and even that only levels it out between one side of the road and the other.

We have a flooded field. We have a flooded basement and nothing they said can be done. We just have to pay because we're on the corner.

MS. STEPHANIE BARRETT: What's your address?

MS. DAWN KRAGER: 1844 Michillinda.

MS. STEPHANIE BARRETT: 1844 Michillinda.

They're taking notes for that, too, the engineer is, and then we will for our own --

MR. TONY BARNES: A point of order. How can we have public comment? We don't see the presentation. That's been asked several times. We'd like to see the presentation so we can accurately see, discuss this. You didn't approve the agenda. Why would there be public comment before engineering -- or not have public comment after the engineering presentation?

MR. DAVID SPLIT: We can do that. Fair question. Could we have engineering explain this
easement?

MS. STEPHANIE BARRETT: Do you want just the easement or do you want their actual presentation?

MR. TONY BARNES: See the presentation.

MR. DAVID SPLIT: Yeah. Let's see the actual presentation.

MS. STACY HISSONG: So the Board can -- The agenda is the Board's to decide, and so you can do that. The presentation is to assist you in making decisions, so you can hear that -- have that at the end or at the beginning. It does not matter. So --

MS. TAMMY BARNARD: Matters to us to ask logical questions.

MS. STACY HISSONG: So public comment is for the purpose of providing testimony and public comment can take place anytime in a meeting and this Board's time to decide how they want to hold the meeting, so feel free to do so.

MS. BRENDA MOORE: Ms. Hissong? Ms. Hissong?

DR. TOM TISUE: Presentation now.

MR. DAVID SPLIT: Let's all vote on the presentation at the beginning of the meeting here. All in favor?
MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: Aye.

MS. TAMMY BARNHARD: Thank you.

MS. BRENDA MOORE: For the audience, while he's getting ready, this will be posted in our website probably next week.

MR. DAN FREDRICKS: All right. I apologize for the technical difficulties. My name is Dan Fredricks and I'm with Land & Resource Engineering. And what I'm going to give you today is basically just some of our observations that we seen along the drain and some of the complaints that have been received from the Drain Commissioner and some historical survey work that was done within the last five years or so. I'm not out here to pitch a project or to say what's going -- what's going to be done out here. All I'm doing is just giving testimony to what we've seen out in the field and the questions that have been brought and the concerns that have been brought before the Drain Commissioner.

Excuse me. So overview of the presentation, I'm going to give you a brief overview of the drain itself, a little bit of the history, some of the drainage issues that have been reported
to Brenda, including what spurred on this current petition, and then we'll talk about the next steps in a little more detail.

So on the back of your agendas that you have here, you have a map of the drainage district. The drainage district, as Stacy described, is basically the watershed, so any drop of water that falls within this black dotted line ultimately is going to get to the Erickson Drain.

There's about 1200 acres within the Erickson Drain Drainage District. The drain itself is about 2.4 miles long. It starts along Putnam Road. This would be the upstream headwaters, flows south on Putnam to the north side of Riley-Thompson Road where it heads east towards the Pere Marquette Railroad, goes northeast and then under the Pere Marquette Railroad and then flows back south to where it crosses Riley-Thompson Road. There's also a branch that's just north of the confluence there with the Pere Marquette Railroad.

The drain itself is a tributary to Bear Creek and Bear Lake. And there is an existing 50-foot easement along the drain, 25 feet either side of the centerline. So those are a little bit of the facts.
From a history standpoint, the drain was established over a hundred years ago. The branch up here (indicating) was added in 1944. The previous drain commissioner did some preliminary study work, including a topographic survey, of the drain back in 2012 and '13. And then in 2015, this drainage district, the watershed, that line was updated. There was a day of review held at the Drain Commissioner's office. And then in 2017, there was some maintenance emergency repair work done along Putnam Road just north of Riley-Thompson Road to replace a failed driveway culvert that was backing up water and causing flooding on Mr. Strait's property in the west side of the drainage district.

Some of the drainage issues that we've seen, and I'll kind of go over here. Impaired culverts, I'll go into that in a little more detail. Sediment deposition within the drain, flooding in different areas of the district and then, again, a lack of a drainage outlet. So the request of the petitioner is actually just south of Riley-Thompson Road here (indicating) near Putnam Road. It's the Grow Blue, LLC, blueberry farm, and I'll hit that in a little more detail here at the end of the presentation.
Some of issues that we're looking at as far as public health, convenience or welfare is flooding. Flooding is due to hydraulic restrictions, whether that's sediment crushed culverts, improperly set culverts. When we talk about crushed culverts and damming up the water, we get talk about flooding over driveways, which can make emergency access difficult. Poor drainage, obviously, is going to elevate groundwater levels. Poor drainage within a roadbed is going to create -- could potentially damage the road during freeze-thaw cycles. And then stagnant water does become a breeding ground, potentially for mosquitoes. And another issue out here is crop damage.

Impaired culverts is the first thing I'm going to go over a little bit on here. Apologize. It's a little blurry here, but this is Putnam Road (indicating). This is kind of more a little bit on the northern end of where the drain is. So the water would be flowing from right to left is where the drain should go. This little dashed line here that I'm kind of going over, that's the profile. That's the grade of the drain as it is right now. As you can see, it's basically the bottom there, because of the sediment, is going up and down.
In addition, a lot of these culverts, like this one (indicating), that gray shaded, within that culvert that's sediment that's built up in that culvert. So these culverts, some set low, some are set higher, some are filled with sediment, some of them have crushed end sections which further reduces the hydraulic capacity. And but all of these can create flooding issues and just stagnant water that you see out there a lot.

These are just some examples. This is, again, along Putnam Road. You see the stagnant water. If you can barely see right there is the top of the culvert. Again, and I have a profile of the drain that I'll show you in a little bit better detail, but basically it's not flowing in the direction it should be going. The bottom is going up and down. The culverts are set at all different elevations and it creates this inefficient flow that we see out there and the ponding.

Sediment deposition, we kind of alluded to that already. Basically all along the drain, there's sediment buildup. There isn't a consistent gradient for flow. Again, when sediment builds up in the drain, that reduces the capacity of the drain. That's going to cause potential flooding.
This is along -- This is a part of the survey along Riley-Thompson Road just west of Anderson Road. You can see here that the -- sometimes, again, the flow should be going from right to left. You've got culverts that are lowered by six inches to a foot on their upstream end, and then their downstream end, so they're pitched the wrong way. They're set at different elevations, some high, some low.

And then these are some views looking down Riley-Thompson Road. This would be looking east near Putnam Road (indicating). This is looking near Anderson Road and Riley-Thompson Road. You'll see that when you start getting sediment in the drain and inefficient flow, you get a lot of vegetation that's going to grow up on it. It looks more like a pond, really, than an actual efficient drainage way with water just sitting there. When you get that sediment in there, too, and that aquatic vegetation, that vegetation chokes and slows down the flow, as well, which can create additional flooding issues.

This is looking up Putnam Road (indicating). This is a little bit closer to Riley-Thompson Road and this is a little bit further upstream. Again, you see the same thing, a lot of
aquatic vegetation, just stagnant water, again indicative of improperly set culverts and poor gradient throughout the system.

Flooding within the district, these are some photographs that Ben Mitchell sent over to us. This is, I think, Grow Blue property. See, they're seeking an establishment of a branch, which can only be done as part of a petition. Basically, from our understanding, they're losing a lot of their crop every year because there is no way for them to outlet any of the water that's flowing on from their -- or on their property.

Another issue we had, this was Mr. Strait's property (indicating), another blueberry farmer. He's north of Riley-Thompson off of Putnam Road. This was back in 2017. This is where the drain is right here, but it's so filled with sediment and it was -- there's some failed culverts further downstream here that it was basically backing up water into fields.

And in this case here, it was at 4763, that culvert was crushed. That culvert was replaced. You can actually see the water was going up to the gentleman's -- the driveway area through here and backing water up. That was replaced as part of a
maintenance emergency to help to reduce some of that flooding on Mr. Strait's property.

So this is kind of a schematic profile of the drain (indicating). So if you were looking down that centerline of the drain, this is down at the downstream end at Riley-Thompson Road. Here is where it crosses the Marquette Railroad grade. Here is Staple Road, Anderson Road, Putnam Road.

And what you'll kind of -- What you can kind of notice here, especially as you go more towards these circled areas as you move further upstream along Riley-Thompson Road and then along Putnam Road, is that all these I guess rectangles, for lack of a better word, those are different culverts, whether they're private driveway culverts or public road culverts. And you'll see the bottoms of these are set basically at all sorts of different grades. It looks like an EKG or something like that versus what should be a nice smooth line going down.

So just to put things in perspective here, if you looked at this red line (indicating) and say, okay, here would be your optimum gradient for this to go down here, in some of these areas you've got 2-1/2 feet or more of basically sediment or lack of potential drainage you're getting. And when you get
into these Putnam Road areas, you can see that the gradient is -- really looks like that I guess EKG, for lack of a better term, where some culverts are set too high and actually damming up water onto upstream properties creating inefficient flow.

So then again going back to the request of the Mitchells and the Grow Blue, LLC, of creating a branch for their property, this is another photograph that they sent us of the stagnant water just staying on their field with no outlet, nowhere to go (indicating). So this is a little bit -- This is a blowup, kind of, of the property. So here is Putnam Road and Riley-Thompson Road, so just south of that. And if we were to create a branch to bring them into the drain, it could go along Putnum Road or it could potentially go through some private easements in this area.

But looking at the elevation of the property, it's right around 674 feet, plus or minus, and the outlets to the drain if we went up based on the elevation that the drain is at right now, which could actually be lowered, is around 671 feet at Riley-Thompson Road and Putnam Road. And then a little bit further downstream, it's at 670, so there's probably at least 3 or 4 feet of potential
grade to actually provided a drainage outlet, a branch for this particular location.

With that, that's basically the extent of what we have here to present. As Stacy kind of alluded to earlier, there's two options here that the Board, if they determine that the petition is necessary, then we'd move forward with a project to determine the scope at that point. If it's not determined necessary then no work can be done, no action, no new petition can be received until another year from now. Thank you.

MR. DAVID SPLIT: Thanks, Dan. Like to open up the public testimony again with some of these cards. Please stand and give your address. Jeff Peterman, please.

MR. JEFF PETERMAN: 5101 Putnam. I'm at 5101 Putnam. Born and raised in Dalton Township and paid taxes there my whole entire life. I bought my property in 19 -- in 1997. There was no blueberries, there was no nothing there. These people got this property at a cheap price when it went for sale because it was flooded at that time and nobody wanted it. Sat for sale forever. I really have a hard time with this. Now it's our problem because they put their blueberries in there and everything and now
it's an issue.

Also, this groundwater and everything they're showing you, right behind all this we have a 264-acre lake going in there right now. Groundwater is going to be changing with the size of this lake and the flow of it and everything else. So I just --

It's really irritating to see people come in our district, buy the stuff dirt cheap and want everything fixed. These blueberries have not been in there over five years or whatever it's been. It's just it's really discouraging.

Pay taxes. I own a quarter-mile road frontage on there. I don't have a problem with it. I know the way the property was when I bought it, just like everyone else in the area. This is nothing new.

MR. DAVID SPLIT: Thank you. Also have a card from Jeremy Hooker.

MR. JEREMY HOOKER: Yes. I'm from Fruitport. My address is 3110 Pinewood Lane. My name is Jeremy Hooker. I just wanted you guys to understand, the property owners -- I'm not sure, sir, how long you've lived in your house and how long you've had flooding in your basement, but this meeting here, you're giving the Drain Commissioner a
blank check. And I just want you guys to realize the weight of that.

This blueberry field doesn't really matter. Your assessment will be given from the Drain Commissioner. And I don't think our project was done fairly. We had a really massive project in Fruitport. She said to us personally: If you don't have a problem, you won't pay. That wasn't true at all. I had surveys done. I'm high enough. I'm high enough. I'm higher than the master deed and I still am paying $12,000 for a plastic pipe that runs in front of my house.

Anyways, I just want you guys to understand if you don't get up and tell this Board if you have problems or not -- You know, I feel for the guys that do. If you have a problem, get up and say you have a problem, but just understand the weight of this meeting. Thank you.

MR. DAVID SPLIT: Thank you. Dale Russ.

MR. DALE RUSS: I just happen to live next to the Kragers, but I bought my property in '83. I put in a doublewide in '90, 1990. At that time, I was made to put my drain field above the -- you know, the ground level as it existed because of the potential of high water. That was a concern right
there that even, at that time, I told them that -- and it didn't work out that way, but if I was to build a home, I would probably not likely to be able to put in a basement. It would have to go above -- you know, if you wanted a basement-type feature, you would have to -- the floor of your basement would have to be at least ground level or a little bit above.

Right in the front of me on the east side of the road, a family, I don't know, about 10 years ago did do that and it looks -- it looks very high. What I'm saying is is the basement level is above the ground, then the floor level and then they have a -- you know, another upstairs rooms after that. So it looks quite high, but that was what the rules were at the time that I put in my doublewide in 1990.

When I first moved there, yes, there was a high water table. Now, after a period of time, we went from a high water table to a low water table, which lasted about 20 years, maybe, and there was a cycle. And I knew it was a cycle. Now the high water right now is back somewhat. So we went through a high water, kind of a draught -- I don't know if that's the right way to explain it. -- and then a high water again.
So I'm agreeing with this gentleman here, if it's -- Muskegon County at that time, the -- I forget the fellow's name. But like I said, he came out and made sure that my drain field was above the ground.

MS. BRENDA MOORE: Can we get his address?

MR. DAVID SPLIT: Let's check here. Dale, is your address 2114 East Michillinda Road?

MR. DALE RUSS: Yes.

MR. DAVID SPLIT: Yes.

MR. DALE RUSS: I'm also in both districts, this Ribe project and also this project now, so I'm affected both ways from whatever -- whatever takes place.

MR. DAVID SPLIT: Thank you, Dan.

MS. STEPHANIE BARRETT: Are there any other cards out here that I can bring up real quick? Just want to make sure.

UNIDENTIFIED SPEAKER: I may have a card.

MS. STEPHANIE BARRETT: You don't need a question, just your name. I just don't want them to get through all the cards and close the session without everyone having an opportunity to say.

MR. DAVID SPLIT: Okay. We'd like to hear from Charles Buzzell.
MR. CHARLES BUZZELL: Hi. Chuck Buzzell, 29 -- Chuck Buzzell, 2985 Fifth Street. I do not live in this drain district, but I would ask that any notices that go out -- This notice come out of the White Lake Beacon. There was no identification of what drain was going to be discussed today and it was completely blank. I'm in the Ribe Drain District, so I was concerned so I'm here.

MR. TONY BARNES: That's the post he's talking about (indicating).

MR. CHARLES BUZZELL: But specific name of the drain on the notice, I'm sure a lot of people were confused. Thank you.

MR. DAVID SPLIT: Thank you. Yeah. We have a copy of the notice here. We'll pass it down to Board members here (indicating).

Next we have Terry Strait.

MR. TERRY STRAIT: Good evening. To some of my neighbors, I lived there for 17 years. I did buy the property cheap. This all started two or three years ago now where my neighbor's culvert collapsed and I was simply trying to get the ditch cleaned out. So I'm not trying to cause any hardship here, I just I know there's water that's going to sit but it should have -- if there's a ditch there, the
ditch should let the water move out.

I also have -- My property also is in the middle of the other August-Anderson Drain where there's 20-inch trees growing out of it. So I'm right in the middle of these two drains and the water is just sitting there.

Now, there was emergency action done, the culvert that was collapsed before me, and we get two or three inches of rain and everything is cleaned out, it moves. The blueberries doesn't suffer when the water moves. If it's there for a day or so, it's no big deal. If it's there for a month, the blueberries are going to die, and that's my biggest concern. It's not that -- I know it's low. Blueberries like wet rain -- or, you know, some water. They can't survive 8 or 10 inches because the water doesn't move.

All is I'm asking for is the sediment to be removed. Now, last year, the road commission did the east side of the road, dug the ditches out. My buddy came over, we put a stake in. The water level on the other side of the ditch is nine inches lower than my side of the ditch. The water is moving freely. Not on my side. All is I'm asking for is that the ditch get cleaned out.
The road commission, I asked -- I went to them, asked if they would clean out our side. They said they would give Brenda a price. And when I had talked to Brenda two or three years ago, she said she's allotted so much money to clean out the ditches and that she was going to do a two-year thing where if she waited until September, the ditch could get cleaned out and she would take care of it. That never happened.

So my name is on the petition because Ben and Tom wanted to -- they got the same kind of issue, they just simply wanted to attach their land to the ditch -- to the -- to the drain. We're not looking for a multi-million dollar project. You know, we're looking for something simple to get the water moving. That's all.

MR. DAVID SPLIT: Thank you, Terry. Your address is 4763 Putnam?

MR. TERRY STRAIT: Yes.

MR. DAVID SPLIT: Is that correct? Thank you. Linda Barnhard, would you please stand and give your address for us.

MS. LINDA BARNHARD: I live at 3561 Kersting Drive in Fruitport. And we went through this same doggone thing with Brenda Moore. She told
-- told us what she wanted to tell us, which was not the truth. It ended up costing people a lot of money. All they wanted was maintenance done. They didn't want all these two million dollar projects, but that's what she ran it into.

So all I can say is you people watch out what you sign for petitions, because you're going to get what you don't want. And I pray for every darn one of ya's.

MR. DAVID SPLIT: Thank you. We have a card Tammy B. Would you please stand and give your address for us.

MS. TAMMY BARNHARD: Yes. 3561 Kersting Drive in Muskegon. And first I'd like to thank you for the Board members for allowing the individuals to see the presentation first. Without seeing the presentation, I don't think we could come up with what's really going on.

And I'd really like to ask you, based on the presentation, do you at this time see anything that would indicate a public health, welfare or convenience problem based on the presentation so far?

MR. DAVID SPLIT: We'll be answering that question at the end of the meeting.

MS. TAMMY BARNHARD: So you won't answer
that now based on what you've seen so far?

DR. TOM TISUE: We haven't heard all the

evidence.

MS. TAMMY BARNHARD: I'm just -- Just so
far I just want to know. So far based on the
presentation and what you've heard so far, have you
heard anything that would indicate there's a public
health problem?

MR. KEN ERDMAN: I'll answer that.

MR. DAVID SPLIT: We're --

MR. KEN ERDMAN: I'll answer that.

MR. DAVID SPLIT: Okay. We have someone
to address it.

MR. KEN ERDMAN: Now, I understand --

MS. STACY HISSONG: You should get the
microphone.

MR. KEN ERDMAN: I can talk loud. I
understand everybody's concern here.

MR. TONY BARNES: Can't hear you.

MR. KEN ERDMAN: Oh, come on. There's a
thing out there called the Zika virus. Now, they're
keeping it quiet, but it's out there, so standing
water is a bad thing and it's going to hit us hard.
Now, so the public health issue might be just
standing water. I mean, that's what I observed.
That was your question, so I observed that, standing water.

MS. TAMMY BARNHARD: Thank you for answering my question.

MR. KEN ERDMAN: You're welcome.

MS. TAMMY BARNHARD: Next gentleman, please?

DR. TOM TISUE: I don't have an opinion on it at this point.

MS. TAMMY BARNHARD: Thank you.

MR. DAVID SPLIT: I'll save my opinion for final vote here.

MS. TAMMY BARNHARD: Okay. Thank you. I have a question for Brenda Moore, please. In the report there, they indicated that there was a preliminary study done in 2012-2013. What did that say and where can we review that, please?

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

MR. DAVID SPLIT: If you'd like to answer.

MS. TAMMY BARNHARD: Anybody?

MS. BRENDA MOORE: It was done in Mr. Fisher's tenure because he recognized -- I believe. He's gone, so I can't ask him. He recognized that there was a problem. And what drain
commissioners can do is an engineering study without any particular permission, and that's kind of what he started. And unfortunately, you pay for that and there hasn't been a lot of action. But I think that the gist of that study, and it wasn't Land & Resources that did it -- Do you remember who did it?

MR. DAN FREDRICKS: No. Actually, it was.

MS. BRENDA MOORE: It was you guys?

MR. DAN FREDRICKS: It was before my time.

MS. BRENDA MOORE: Okay. It was before your time. I mean, it parallels what we heard tonight in terms of where culverts are set, that there's sediment. Kind of the game changer was the petition to ask for a branch, and that's why the maintenance was stopped because if we get to go through with the branch, we do the whole thing together because there's an economy of scale of doing the whole thing, it's more cost effective.

Am I answering your question?

MS. TAMMY BARNHARD: You did. Thank you. I have another question for you, please. If somebody --

MS. BRENDA MOORE: Through the Chair.

MS. TAMMY BARNHARD: -- just wanted maintenance --
MS. BRENDA MOORE: Through the Chair.

MS. TAMMY BARNHARD: I'm sorry. I have a question for the Drain Commissioner, please. My question is, if the people just wanted maintenance done, would they sign the same petition that you have offered them that indicates all these other things that they don't want, is that a standard thing? Can they -- Do you have a petition for just maintenance?

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

MR. DAVID SPLIT: Yeah, Brenda, please.

MS. BRENDA MOORE: Good questions. Our petition language is from --

DR. TOM TISUE: Brenda, I'm sorry. Could you use the mic?

MR. TONY BARNES: Use the microphone.

MS. STEPHANIE BARRETT: I'll bring it over. Thank you.

MS. BRENDA MOORE: We need to get more microphones. I apologize.

I'll ask Ms. Hissong to verify. My understanding is the language for the petition comes right out of the drain code and it's generic in that it says deepen, widen, add a branch. It's purposefully broad so when we're in the district and
looking at issues, it doesn't tie our hands. And granted, it makes some people nervous, but I think it's pretty standard there in terms of the language in a petition.

Can't toss.

MR. DAVID SPLIT: Drop the mic.

MS. STACY HISSONG: So does the Board want to hear more about this or move forward, whatever -- I'd be pleased to speak with anybody about questions about petitions later or we can do this right now, whatever the Board chooses.

MS. TAMMY BARNHARD: My question is if the public just wants -- wants maintenance done, can they request that a formal way or do they have to like petition, which opens it up for everything, or can they do it some other official way just to have maintenance done?

MR. DAVID SPLIT: Would you please speak to that regard?

MS. STACY HISSONG: Sure. So regular maintenance up to $5,000 a mile per year does not require a petition.

MS. TAMMY BARNHARD: Thank you. Can I have my other questions now, please?

MR. DAVID SPLIT: Go ahead.
MS. TAMMY BARNHARD: I think I can be loud enough for now. My other question would be directed to Brenda Moore.

DR. TOM TISUE: She's gone way more than three minutes.

MS. TAMMY BARNHARD: Since the drain commissioner office was aware of there was a problem based on that study in 2013, I believe that's about the time that you took office there, what maintenance have you done to that in the past five years and -- if any? Have you done any to that drain?

MR. DAVID SPLIT: Brenda, would you like to answer that question?

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

MR. DAVID SPLIT: Yes, Brenda.

MS. BRENDA MOORE: I took office in 2014. The maintenance --

MS. STEPHANIE BARRETT: They can't hear back there.

MS. BRENDA MOORE: Really?

MS. STEPHANIE BARRETT: No.

MS. BRENDA MOORE: Okay. I'm sorry. I took office in 2014 after the study. Maintenance, we didn't pick up. Frankly, I had a lot of other fires
burning and the maintenance was emergency maintenance. And like I said, in the meantime, we got the petition which kind of would take you in a whole different direction, so it was basically an emergency culvert and the engineering.

MR. DAVID SPLIT: Tammy, thank you for your questions.

MS. TAMMY BARNHARD: I have some more questions, please.

MR. DAVID SPLIT: Your time limit is up.

MS. TAMMY BARNHARD: My questions didn't take three minutes, it was all the other people answering that took the three minutes. You would agree with that. Correct?

MR. DAVID SPLIT: Well, I believe your time has expired.

MS. TAMMY BARNHARD: Because the person I asked the question to took up all my three minutes? That doesn't seem fair, sir. I just want my time to ask a question. And if somebody answering it takes 20 minutes, then my one -- I only had one question, that doesn't seem fair.

MR. DAVID SPLIT: Let's go through the rest of the cards. If there's time left, we'll let you speak again. Thank you.
Mr. Tim Krager, 1844 Michillinda Road.

MR. TIM KRAGER: Hi. My name is Tim Krager. I live at 1844 East Michillinda. And to begin with, I'm aware of where this blueberry field is. And the gentleman said that the August-Anderson Drain has got trees growing out of it. Well, that runs pretty much the full length of his property on the back side. Well, it just stands to reason to me that if they would clean those trees out of there on the August-Anderson Drain that that might be a little bit better solution to his drainage problem than crossing Riley-Thompson and dumping his water into the Erickson Drain.

UNIDENTIFIED SPEAKER: Two different farmers, sir.

MR. TIM KRAGER: And another, where I live, as far as having water in the ditches that don't move, we've had that problem for over 40 years. We have mosquitoes so terrible in the summertime, when it gets wet, water stands in the ditches, it don't move. It just sets there. We can't even go outside to do anything.

And the problem is we are at a low point. Water runs from Mich -- from East Michillinda down towards us, the corner of Michillinda and Staple, and
it can't go any other place. It comes down -- Water cannot go down Staple because that goes uphill. Same way with down Michillinda towards the east, that gradually works uphill. So we got deep ditches by our place. The father east you go, the shallower the ditches to almost nothing when you get down to Cady.

So I don't see the Erickson Drain hasn't done anything for us for over 40 years and I don't see where cleaning out the Erickson Drain along Putnam Road and Riley-Thompson Road -- Granted, that is low area. I do see that they have a problem, but is that going to help us? No. The only thing that would help us is for somebody to put a sump pump down on our corner, pump the water out. As far as any drainage, it's not going to help. Thank you.

MR. DAVID SPLIT: Thank you, Mr. Krager. We have a card from Ben Mitchell. Please give your address for us, Ben.

MR. BEN MITCHELL: Yes. Ben Mitchell. I'm the farmer at Grow Blue Farms, the farm which you saw in the presentation. We're requesting the addition of the branch onto the Erickson Drain, as well as maintenance done to the Erickson Drain. As you can clearly see in the pictures, there's standing water. We planted what's called a raised bed so the
ground is actually mounded 12 inches above in planting beds to eliminate this kind of issue.

   Yes, blueberries do like to grow in a moister, wetter soil, but they can not grow where it is flooded. This area is 400 some feet above sea level. There's no reason for it to be flooded, other than lack of drainage and lack of movement for the water to go.

   During collecting the signatures for this petition, I went to various members along the drain and requested signatures. One of the gentleman said no, he would not sign. I asked: Do you mind me asking why? He said: Sure. I like my privacy. So this drain has gone without maintenance for so long that it now serves as a privacy fence for people along the drain. There's saplings and trees growing to serve as a wind row and a privacy fence for them, not what the drain was intended to do.

   Also, piggy back on the public health issue, with floods like this, we are unable to keep up on a proper spray rotation, which compromises the fruit quality and our field becomes a host for squadrons of fruit flies, which then can cross-contaminate other growers and, frankly, other people who have fruit trees in their yards just
because we're not able to keep up with a proper spray regimen due to the flooding of the field.

The question here today is not whether people want to have the drain cleaned out, it's that this issue needs to be taken care of. And the engineering has proven that there is a significant issue that needs to be addressed. Thank you.

MR. DAVID SPLIT: Thank you. Tony Barnes, 5920 --

MS. STEPHANIE BARRETT: Barnes.

MR. TONY BARNES: I'd like to go last, if I could.

MR. DAVID SPLIT: Barnes?

MS. STEPHANIE BARRETT: Is that the last card?

MR. DAVID SPLIT: Yes.

MS. TAMMY BARNHARD: Do I have time to speak again, please, with my other questions?

MS. STEPHANIE BARRETT: No. He -- They said they'd go through to the cards first, Tammy. Just let him speak and then --

(Whereupon, unintelligible comment.)

MS. STEPHANIE BARRETT: But for the cards, he's last, so --

MR. MARK MANN: And I also would like to
have another question. I was cut off with the presentation.

MR. DAVID SPLIT: Okay. I believe there will be time for additional comment. Tony, please?

MR. TONY BARNES: If that's the case, then I would like to yield and -- I'm the Dalton Township supervisor. I'd like to hear what our residents say before I comment, please.

MR. DAVID SPLIT: Okay. Tammy, would you speak again, please?

MS. TAMMY BARNHARD: Yes. Thank you.

MR. DAVID SPLIT: Give your address, please.

MS. TAMMY BARNHARD: Yes. Thank you. Have -- have -- What qualifications do the Board members have to determine whether it's a public health, welfare, convenience? What would be your qualifications to make that any benefit of mine?

MR. KEN ERDMAN: Well, I can see that the standing water is --

MS. STEPHANIE BARRETT: You need the mic.

MR. KEN ERDMAN: I can see that the standing water is going to contribute to mosquito infestation and it's really going to be a big problem. People like to stick their head in the sand
and say it's going to go away, but it's not. The Zika virus is coming. And I understand everybody's -- everybody's concerned about this whole project, but there are issues that need to be dealt with.

MS. TAMMY BARNHARD: And how many properties does this involve? And would the drain actually have standing water in it, too?

And then my other question would be if these people wanted maintenance only, I would ask that you would please deny this Board of Determination and then the people can have the drain cleaned by maintenance only. The Drain Commissioner can do 5 -- can assess $5,000 per mile per -- per year and she can use all that money to do the maintenance on that and that way this won't open it up for a can of worms, is what everybody else is worried about.

I mean, our project -- our drain was 3.3 miles and people just wanted it cleaned and it turned into a 2-1/2 million dollar project. For my tax assessment where I have property that's less than an acre where my house is I pay 12-plus thousand dollars for my tax assessment on something I didn't want, don't need, never had -- never, ever had a problem with because it just got expanded and all the people
wanted was maintenance.

So I would ask that you please deny this and have the Drain Commissioner do the work by the $5,000 assessment she doesn't need to do anything for, she just needs to do the work, and just do the maintenance and get it done.

Thank you very much on whatever you decide. Thank you.

MR. DAVID SPLIT: Thank you. The other gentleman, front row?

MR. MARK MANN: Yeah. Hi. Mark Mann again, 1240 East Riley-Thompson. The gentleman with the blueberry field off Putnam, he isn't even in the Erickson Drain. He initiated this petition. He wants to join our drain and have us pay for it.

MS. TAMMY BARNHARD: Is that true?

MR. MARK MANN: Isn't that true? We'd be assessed for his extension joining our drain.

MS. TAMMY BARNHARD: Oh, my goodness.

MR. MARK MANN: This is -- this is not right. If he needs a drain fixed, he is currently in the August-Anderson Drain. Have them fix the August-Anderson Drain, not join ours.

(Whereupon, applause.)

MS. STEPHANIE BARRETT: He's not in the
August-Anderson Drainage District. He's not in a
drainage district.

UNIDENTIFIED SPEAKER: Correct.

MR. MARK MANN: What does the map show?
August-Anderson Drain.

MS. STEPHANIE BARRETT: That's the
physical drain line there, but his property is not in
the district right now. We checked.

MR. MARK MANN: He's not in a drain
district?

MR. TONY BARNES: Who's answering the
question, the Board or the Deputy Drain Commissioner?

MS. STEPHANIE BARRETT: I answered that
one because I knew the answer.

MR. TONY BARNES: So we're not going by
the agenda anymore?

MR. DAVID SPLIT: Well, we can have a
clarification. Dan, would you mind addressing that
question about the drainage district?

MS. STEPHANIE BARRETT: I got it.

MS. STACY HISSONG: Before Dan does that,
if I can explain the signature question, because it
looks like some people have some questions about
that.

So Ben Mitchell did not sign the petition.
He circulated the petition. Any person over the age of 18 years of age can circulate a petition within the State of Michigan. If he's not a property owner within the drainage district, he can not sign it. He did not sign it. He circulated it. So that, I think, clears up that issue and for the Board.

Do you have any other questions about -- or any questions about that and then I'll hand it to Dan as to the drainage district boundaries.

MR. DAVID SPLIT: Yeah, that answers the question there. Maybe Dan can explain the boundaries for us.

MR. DAN FREDRICKS: Yeah. So Ben's property is in neither district. It's not in the Erickson, it's not in the August-Anderson. When this issue came up, one thing we looked at is where would the water naturally flow to or which has the best outlet for it, and it was the Erickson Drain. The August-Anderson Drain was like a foot or two higher and more difficult to get to, so the natural flow drainage would be to the Erickson Drain.

MR. DAVID SPLIT: Thank you.

MS. TAMMY BARNHARD: I'm confused. I have another question. Would that be allowed, based on the new information?
MR. DAVID SPLIT: No. Time limit has expired. We have one more card from Anton, 4912 Russell Road.

MR. ANTON COLON: Evening. I have a couple of questions. So for the engineer, is the three or four feet enough capacity to drain an elevation that you had shown in your presentation, do you know?

MR. DAVID SPLIT: Sure, we can have Dan answer that question.

MR. DAN FREDRICKS: Again, we haven't done any actual design particulars on this case, but in general I would say yes, there's enough gradient there.

MR. ANTON COLON: Okay. And then excuse my ignorance here, but I guess I don't understand the funding of the drain district and the maintenance. So there's not a maintenance funding portion for the drainage district or is there? I mean, is that part of a special assessment?

MS. STACY HISSONG: So every dollar spent on behalf of the drainage district, whether it's maintenance or petition or here tonight, is paid for by the special assessment district. Whether improvements or expenditures for maintenance above
and beyond $5,000 to take place requires a petition. So if maintenance was performed every year for however many years for the things that are maintenance and not improvements, it would still require the levying of a special assessment.

MR. ANTON COLON: So is there a long-term strategic plan or a long-term plan on maintenance? Because it didn't sound like there was not much of a plan because of this petition came up.

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

MS. STACY HISSONG: You want Dan to start?

MS. BRENDA MOORE: Well, if there's engineering stuff, yeah, if the Board wants. Are you okay with --

MR. DAVID SPLIT: Yeah.

MS. BRENDA MOORE: -- kind of the generic? Okay. So under maintenance, I can assess up to 5,000 per year per mile. That doesn't get you much. And in fact, when the road commission gave me a quote to work along Putnam, it would have been three years' worth of assessments, so I would have had to -- And this gets goofy and Stephanie might have to help me here or Stacy, but I can't -- I can only assess that much per year. So when you're trying to pay a
contractor or the road commission or whomever to do it --

UNIDENTIFIED SPEAKER: What was that dollar amount?

MS. BRENDA MOORE: You have to -- I don't -- I don't remember. I can figure it out. But my point is is that money has to be assessed. The district -- Most of the districts when I took office were at zero or negative. And I think the impression is there's a pot of money and why don't you just use it, but that's not the case. I'm not sure -- I'm anticipating, you know, why didn't you do something.

So when you get a quote for a small portion of the drain and you've got three-year's worth of money, there's a limited amount you can do. And again, I knew that the petition might be brewing, so I thought, well, if that comes, that changes things, then it uncaps and I can do extensions, which I can't do under maintenance. So the whole point of this petition is for an extension, has to be a petition.

Am I answering your question, sir?

MR. ANTON COLON: Appreciate it. The last question is if this is approved, does the public tonight, if the Board approves this tonight, do we
have the ability to decline this assessment again?

MS. TAMMY BARNHARD: It's going to cost you 10 grand.

MS. STACY HISSONG: So there's -- that's a great question. So there's an opportunity to appeal the decision one way or the other tonight in terms of necessity or no necessity. And then if it is determined necessary and there's a project that's performed, you're going to get a notice of a day of review of apportionments where you can protest the apportionment and there is an opportunity for an appeal to that apportionment, as well.

MR. ANTON COLON: So there's no additional public hearing after this? After the engineering firm does an official report, recommendation, there's no -- not another public hearing?

MS. STACY HISSONG: There's no statutory requirement for a public hearing about the scope of the project. I don't know if the public hearing will be held with regard to that. There will be a public hearing, an all-day day of review of apportionments specifically with regard to the apportionment -- the assessment, the assessments for the project, and that will be later after bids are taken.

MR. ANTON COLON: So the day of review, we
have the ability to go in and -- individually go and then is that a majority?

    MS. STACY HISSONG: No. So that doesn't -- So great questions again, because I want to make sure you understand it. So after today, there is no opportunity to dispute the project -- if there's not an appeal, there's not a formal method to dispute the project in general, say this is not necessary. The day of review is not a majority. It's you individually saying that your property doesn't benefit or does benefit to the percentage that's been allocated to you for purposes of paying for the project.

    MR. ANTON COLON: Right. So I go in, I don't -- say I disapprove, five other people disapprove, a majority of the home owners disapprove, it doesn't matter? There's no --

    MS. STACY HISSONG: The drain code --
    MR. ANTON COLON: -- ability to --
    MS. STACY HISSONG: There's no statutory --
    MR. ANTON COLON: -- stop the project?
    MS. STACY HISSONG: -- ability to do that.

That is correct.

    MR. ANTON COLON: So this is the time to
stop the project --

MS. STACY HISSONG: Yes. I mean, there --
you could -- There's --

MR. ANTON COLON: -- legally?

MS. STACY HISSONG: You could go see an
attorney to ask them questions about that. For
purposes of today's hearing --

MR. ANTON COLON: Right.

MS. STACY HISSONG: -- this is the time
when that decision is made.

MR. ANTON COLON: Thank you.

MR. DAVID SPLIT: We have one more card.

Kathy Zahl, 2155 Michillinda Road. Would you like to
speak?

MS. KATHY ZAHL: We're the ones that built
the house above ground. We're neighbors. And we put
our basement above ground and backfilled it and we
have not had a problem with our water. But if the
drain commission and the county road commission has
maintenance set up that they're supposed to be
maintaining these ditches, we've lived there 24
years. 1 year did they come out and dig the ditches
in 24 years, so there's not been a lot of maintenance
on this drainage system all along and maybe that's
really what it needs.
MR. DAVID SPLIT: Thank you. The township supervisor would like to speak.

MR. TONY BARNES: As soon as all the residents' questions are done, I would like to then.

MR. DAVID SPLIT: Go ahead.

MR. TIM KRAGER: I'm Tim Krager. I live on the corner of Michillinda and Staple. And according to what your engineer said that he said that pretty much every drop of water that landed in this drain district would eventually make its way down to the Erickson Drain. Is that true?

MR. DAN FREDRICKS: That would be correct.

MR. TIM KRAGER: Okay. Then I've got a lot of drops of water that's been setting in our ditches for -- well, since the first part of August, since we've started getting the heavy rains. It doesn't go anyplace. It just sits there. And it does this every year, we get a lot of wet weather, it don't drain anyplace, so perhaps maybe you could tell me why? If we're hooked up to the Erickson Drain, why isn't it draining into the drain?

MR. DAN FREDRICKS: So you're hooked up to a county road ditch that would go into the Erickson Drain and we -- I don't -- personally haven't surveyed any of that ditch to see where potential
obstructions could be but, I mean --

MR. TIM KRAGER: How could we -- How could we be in the drainage district, then, if you haven't surveyed any of that area to know the lay of the land?

MR. DAN FREDRICKS: We've looked at it from a broad perspective of the -- based on the topography on --

MR. TIM KRAGER: Aerial view?

MR. DAN FREDRICKS: It would be -- I mean, it's one foot -- one-foot contours that we're looking at, so it's pretty, pretty precise and I don't have -- I know you're right at the boundary of the drainage district and it looks to me from the map that not all of your property actually is in the drainage district.

MR. TIM KRAGER: No, it is. We're on the northeast corner of Michillinda and Staple. I own that big square.

MR. DAN FREDRICKS: It looks like, yeah, most of your property, I guess, is in the district, but --

MR. TIM KRAGER: All it gets taxed.

MR. DAN FREDRICKS: Yeah. As far as your specific drainage problem, we'd have to go out there
and do some additional survey to see what could be done.

MR. TIM KRAGER: The Drain Commissioner was supposed to come out there three years ago and they never showed up.

MR. DAN FREDRICKS: The road commission?

MR. TIM KRAGER: The drain commission, because I gave them my phone number. I told them to call me before you come out and they never did.

MR. DAN FREDRICKS: It's definitely something that we'll follow up on.

MR. TIM KRAGER: Do you want my phone number so I can be there?

MR. DAN FREDRICKS: Yeah. You can even give it to me now or after the meeting.

MR. TIM KRAGER: I'll give it to you right now, if you want.

MR. DAN FREDRICKS: Okay.

MR. TIM KRAGER: 231-828-4103.

MR. DAN FREDRICKS: Say that last part again.

MR. TIM KRAGER: 4103.

MR. DAN FREDRICKS: 4103. Okay. Thank you.

MR. TIM KRAGER: Thank you.
MR. DAVID SPLIT: Okay. Was there an additional comment? Gentleman in front here.

MR. MARK MANN: Yes. I'm at 1240 East Riley-Thompson again. I don't know if you guys know this area. Do you personally know this area we're talking about?

MR. DAVID SPLIT: I travel Riley-Thompson several times a month.

MR. MARK MANN: So you know how low it is. It's low ground. Behind my house, there's six miles, which is basically swamp. I've got a 2-1/2 acre groundwater pond. There's ponds all around the area. They're all groundwater ponds. It rise and lowers with the water table.

The issue isn't the drain. The drain might be a little issue, but it's the topography. There's not enough drop for the water to go anywhere. There's too much water and basic maintenance on the culverts is not going to do it. We're in a swamp. That's why nobody has basements. That's why everybody has ponds so they can dig out and raise up their drain fields.

So I -- I don't see how -- especially adding another addition onto our drain and charging us for it is going to work.
MR. DAVID SPLIT: Thank you. Any other additional comments?

(Whereupon, no response.)

MR. DAVID SPLIT: Okay.

MR. TONY BARNES: Mr. Chairman, before I get started, I have a couple of I guess I could call them evidence for you to take a look at, if I can present them to you. I'm not going to be able to state my case in three minutes. I would request a little bit more time, if I may, due to the facts that I have in front of me.

MR. DAVID SPLIT: Okay. We'd like to see your evidence.

MR. TONY BARNES: Okay. Thank you. The first one I'm giving you is the map to the Ribe Drain. And if you -- I know they're not to scale, but if you could please take the map of this Erickson Drain and see to it that it does, in fact, overlap the Ribe Drain, so we have residents that are going to be paying two assessments. We don't know how much the Ribe Drain is going to cost just yet. We have no idea. We've been given seven different prices from the engineers and the attorneys and the Drain Commissioner. We don't know what that number is going to be so I can't discuss those numbers, but
they can be very costly.

So if we have an overlapping area, we have -- We have literally 11 drains in Dalton Township. This can keep happening over and over and over. We already have a huge one that's 5.19 miles long, which is the Ribe Drain. You have it in front of you right now. Like I said, it's not -- not to scale, but look at your map and see that it does overlap.

MR. DAVID SPLIT: We're having a hard time finding where this overlaps. I see Riley-Thompson, but I don't see the railroad grade on this. Give us any reference.

MR. TONY BARNES: Yes. So you have your map. Right?

MR. DAVID SPLIT: Yep.

MR. TONY BARNES: This is the railroad (indicating). The township hall, you can see it right here, Riley-Thompson.

MR. DAVID SPLIT: Riley-Thompson here.

MR. TONY BARNES: Staple right there (indicating). That's our fire department and our township. This is -- So it's overlaying all the way down Cady Road. Where is Cady on this one? It goes up Cady and stops just before. So this diagonal --

MS. STACY HISSONG: Can you use the
microphone so everyone can hear?

MR. TONY BARNES: Yes. I had my hands full, so thank you for that. So the question is is -- They're asking where this overlaps at, because it's not to scale. It is a little bit difficult to see. I'm pointing out right where your fingers are is this line right here (indicating), so that's where it comes down, goes to the same properties again, cuts over right by the railroad tracks here, goes under Cady and we've got some residents that are going to be paying on this side and this side in both different districts, so that does happen. It's not uncommon. All right. It's not uncommon for that to happen.

We have people that live in three different drainage districts and that's not uncommon, either. And I think the Drain Commissioner will tell you that. I know I've attended classes by the attorney, Stacy Hissong, and she said the same thing. Some people live in 10 different districts on the other side of the state. So we're only talking about two, but they're really high dollar.

The other thing I wanted to point out to you is that, you know, we talked about the Putnam Road project where the culvert had failed and
Mr. Strait was under water and we ended up talking with the Drain Commissioner. Obviously, that was the first place to call because a culvert had collapsed. She actually met us out there. The homeowner, and we have pictures of this, it caved in. They filled it in with gravel and put an orange cone there so their friends wouldn't break a tire driving in. So obviously it was dammed up and it was flooding Mr. Strait's property. The homeowner put a four-inch conduit in there to relieve the pressure a little bit and it did -- it did drain Mr. Strait's property a little.

The Drain Commissioner then gave this -- It was interesting when we knocked on his door, I will say that, but we were -- gave him a culvert and put the culvert in I believe is what happened, maybe a 12 inch, 16. I'm not sure. I didn't get a chance to measure it. But I was down that road every single day and it drained within three days and it was high and dry down there.

Currently, that culvert, I don't know if it's at the correct elevation. It was a Band-Aid fix. It's not the right size. We all know that. But that's what really needs to happen here.

So on that road with Putnam, what we're
told by the Drain Commissioner, and I'm not going to
speak for Mr. Strait, but he was standing there with
me, what ended up happening -- I apologize. I have
a cold. I'm really sick, so I apologize. Bear with
me, please.

The Drain Commissioner did, in fact, tell
us that the maintenance crew, which is White Lake
Excavating, was going to do half the job at the fall
of 2017 and then do the other $5,000 worth in the
Spring of 2018. That didn't happen. And when the
road commission came out there and they did the east
side of the road, the full length of the Putnam Road,
it cost $5,047. Here it is right from the road
commission. It literally cost 5,047 bucks.

DR. TOM TISUE: Sir -- sir --

MR. TONY BARNES: Yes.

DR. TOM TISUE: -- your clock must be
running a lot slower than mine. We had agreed to a
three-minute limit.

MR. TONY BARNES: I asked for more time
and it was granted.

DR. TOM TISUE: I'm not saying you don't
have stuff to say, but we did agree on a three-minute
rule.

MR. DAVID SPLIT: Okay. We understand
your evidence here and sum up your comments for us.

MR. TONY BARNES: Yes, I will. Thank you for allowing me to at least have the opportunity to sum up my evidence, I guess.

So what didn't happen is the maintenance, even though we were told it was going to happen. They said that -- She had actually told us that they were going to do it in one year because it was $11,000 estimate and they were going to eat $1,000 because it would cost them that much to remobilize, so they were going to do the whole Putnam Road in one year and bill over two fiscal years. Well, this drain is 2.41 miles long, so she can spend over $11,000 to get that Putnam Road fixed.

This extension for the other blueberry field, that doesn't -- that needs to go to the county road commission because you're going -- there's a ditch right there. Not the drain, there's a ditch, so that can be done by the road commission a whole lot cheaper than what this engineer right here can develop for us, because there's going to be ripple zones, there's going to be all kinds of stuff that we're not going to -- we don't need so these can have dry berry fields. We just need to get the ditch cleaned out and the road commission, as you can see,
is a whole lot cheaper in the particular area.

Now, what I'm hearing is that you guys' minds were made up before you already got here and I'm hoping, because you haven't heard any testimony -- Nobody is getting sick from West Nile. Not saying we couldn't, but nobody is getting sick from it, nobody's -- nobody's yard's flooding, backing up and causing anybody to get any illness here tonight. So I am imploring you to vote no on this so that we can have the proper agency do this, which is, in fact, the road commission, because they need an extension to the ditch, not the drain. Thank you.

(Whereupon, applause.)

MR. DAVID SPLIT: Thank you. We'd like to close the public comment period here. The Board members would like to ask questions ourselves here.

DR. TOM TISUE: Yeah. I have a couple. I was also going to ask about the relative roles and responsibilities of the road commission and the Drain Commissioner. Is there any brief way you can sort that out for me?

MS. STACY HISSONG: Sure. So the question was about the different roles and responsibilities of the road commission and the drain office. So the drainage -- The drain commissioner can only perform
work on what's established as a county drain. And so
if there's a roadside -- some roadside ditches along
county roads are established as county drains and
some of them are not. And so unless and until
they're established as county drains, those are under
the road commission's jurisdiction and not under the
drain commission's jurisdiction.

If there is a roadside ditch that is
established as a county drain then it is the drain
commissioner's jurisdiction, not the road
commission's jurisdiction, to perform work on that --
on that drainage ditch.

DR. TOM TISUE: Well, I guess --

MS. STACY HISSONG: Does that answer your
question?

DR. TOM TISUE: -- my follow-up question
would be since a good bit of this drain does follow
along what looks like a road ditch along Erickson,
Riley-Thompson Road, is that portion so designated at
this point?

MS. STACY HISSONG: I don't --

MR. DAN FREDRICKS: The portion of the
water course along Riley-Thompson Road is an
established county drain. And on the west side of
Putnam Road, it's an established county drain. The
east side of Putnam Road, that road ditch is a -- it's not a -- it's under the jurisdiction of the road commission.

DR. TOM TISUE: Thanks. If I could ask one more question, please. No. It's actually two questions. Is there currently any impact on the drain of -- water quality of the drain from under performing inground waste treatment system?

MR. DAN FREDRICKS: I don't -- I don't know, Brenda. I don't have any information to speak to that, any data or anything like that.

DR. TOM TISUE: Last question, I promise. Are there any officially designated wetlands within the drainage district?

MR. DAN FREDRICKS: I'm pretty -- Yes, there are.

DR. TOM TISUE: So some of those plans we heard about might actually be designated wetlands, you're saying?

MR. DAN FREDRICKS: Probably.

MS. BRENDA MOORE: May I make a comment? If we do any work, we have to get a permit from the Department of Environmental Quality. And I know given your background, the concern is probably environmental impact. I have no intention of
draining wetlands and we wouldn't be allowed to, anyway.

As far as the water quality impacts, until I know this is a go, I don't want to spend any more on engineering or water quality testing. I tend to make it part of the petition projects. I can make it part of maintenance, as well, I have the authority to do that. But again, when you're limited to $5,000 per mile, you're involved in construction and all that doesn't do much for you, let alone getting water quality testing.

DR. TOM TISUE: Thanks. I understand.

MR. MEL BLACK: Can I speak on behalf of the road commission?

MS. BRENDA MOORE: He's the chair of the road commission.

MR. DAVID SPLIT: Yes. We'd like to hear your comments, please.

MR. MEL BLACK: I don't have -- I don't have the mic, but I will -- I think I can speak loud enough, but I am here as a party to listen in. I'm chairman of the county road commission. I'm not an active employee of the road commission, other than as chair of the board.

But I do know this much, we cannot use
taxpayer dollars to drain fields or anything like that. Our job is to protect our roads and to make sure that we drain the water away from our roads. And we will not, as road commissioners, undertake draining of the water away from a blueberry field. We will clean ditches as they need it, but as you all know, right now the condition of our roads, our primary focus is to take care of our roads and not to dig ditches that don't need it. Yes, we do clean the ditches along the roads as needed, but no, we do not drain blueberry fields. That is not our intent, nor will it be.

MS. STEPHANIE BARRETT: Mel Black. He's chair of the county road commission.

MR. DAVID SPLIT: I have a question for Brenda Moore. The extension of this drain seems to be in question. Is that part of the petition?

MS. BRENDA MOORE: That is the essence of the petition is to extend the drain. We had surveyed the area some time ago and this property was actually in the district. But when we looked at topography, it came out. But if we put the ditch in and it goes to the Erickson, it will become part of the district.

MR. DAN FREDRICKS: That's actually a good point.
MS. BRENDA MOORE: Yeah. Did that answer your question?

MR. DAVID SPLIT: Yeah, that answers the question.

MS. BRENDA MOORE: Okay.

MR. DAVID SPLIT: Now the extent of the work done, what is the distance on that to be extended? What is the topography as far as the drop? How extensive is this?

MR. DAN FREDRICKS: So Brenda did make a good point that the historic district, which I think was probably back from 1944 when the last petition project was done, that did have that area where the Grow Blue, where Mr. Mitchell's property is there, that all was in the district. We took it out of the district because that area is really flat and obviously like right now the water has not drained. There's no -- You know, if historically there was anything there draining that area, it's not now, so that was taken out of the district. It's relatively flat in that area.

But like I said, it's about three to four feet above the drain and you could put some form of drainage ditch or pipe to provide an outlet.

MR. DAVID SPLIT: How many acres would
that service, that farm?

MR. DAN FREDRICKS: I don't know the exact -- the exact -- All of this is like speculative now because we don't know where the alignment would be, so it's all dependent on that.

MR. DAVID SPLIT: Approximately, the extension?

MR. DAN FREDRICKS: Approximate length of extension would be probably a quarter mile or less, depending on if we do -- maybe a little more if we make some additional extension along -- through their property.

MR. DAVID SPLIT: Okay. Thank you.

MR. MARK MANN: So we got to pay for --

MR. DAVID SPLIT: Any other questions from any of the Board members?

(Whereupon, no response.)

MR. DAVID SPLIT: Close the comment period of this meeting. Any Board members like to make a motion?

DR. TOM TISUE: I have a question about the wording in the decision, one is to necessity.

MS. STACY HISSONG: Uh-huh.

DR. TOM TISUE: I can't quite make this part out, says --
UNIDENTIFIED SPEAKER: We can't hear him.

DR. TOM TISUE: -- the improvement is or is not -- the improvement is or is not necessary and conducive to the public health, et cetera. How are you supposed to read that?

MS. STACY HISSONG: That's the language. So the language is from the statute. So the statute says that the Board of Determination --

DR. TOM TISUE: I think that may be the problem.

MS. STACY HISSONG: -- is to determine whether maintenance or improvement is or is not necessary and conducive to the --

DR. TOM TISUE: I'm not --

MS. STACY HISSONG: -- public health --

DR. TOM TISUE: -- questioning any of that. I'm questioning how, in your opinion, one should read somewhat ineloquently and perhaps not grammatically formulated sentence because it says if we say is not necessary, for example, then what does the and mean?

MS. STACY HISSONG: So --

DR. TOM TISUE: What are all these --

MS. STACY HISSONG: -- you are welcome to make the motion -- So it is -- the motions could be
is necessary and conducive to the public health, convenience or welfare or is not necessary and conducive to the public health, convenience or welfare.

DR. TOM TISUE: I guess it said that, but I guess it would be the common interpretation. I would argue it doesn't actually say anything like that.

MR. KEN ERDMAN: You can rephrase it.

MS. STACY HISSONG: So you can make your motion how you wish, but you term -- the phrase that the drain code uses is whether basically necessary and conducive to the health -- public health, convenience or welfare or not necessary to the --

DR. TOM TISUE: That's how it's supposed to be read.

MS. STACY HISSONG: Yes.

DR. TOM TISUE: Is not necessary and conducive. Thank you. That's what my question was.

MS. STACY HISSONG: So we don't get to leave until someone makes a motion one way or the other, folks.

MR. DAVID SPLIT: I'd like to make a motion. I'd like to make a motion that the proposed maintenance and improvement of the drain -- the
Erickson Drain is not necessary and conducive to
public health, convenience or welfare.

MR. KEN ERDMAN: Support.

MR. DAVID SPLIT: The motion is supported.

(Whereupon, applause.)

MR. DAVID SPLIT: All members in favor of
the motion?

MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: Aye.

MS. TAMMY BARNHARD: Thank you. Thank
you.

MR. DAVID SPLIT: Number two, there is
decision as to at large assessments for the
municipalities.

MS. STACY HISSONG: So if the vote is not
necessary, then that vote -- that decision number two
is --

MR. DAVID SPLIT: It's not necessary?

MS. STACY HISSONG: No. It's not
applicable.

MS. BRENDA MOORE: We don't want another
Ribe. Please ask them to vote.

MR. DAVID SPLIT: Meeting is adjourned.

MS. SHARON ACKERMAN: Can I just make one
comment, please?

MS. STACY HISSONG: So there is an opportunity --

MS. SHARON ACKERMAN: I just wanted to make one comment. I wasn't going to say anything because I'm an alternate here and I have no part in the decision making, but I kind of did not like the -- if I understood the statement that you made during your comments that the Board had pretty much made up their mind before they got here. If I understood you to say that, I really resent that because myself, and I'm sure I speak for the other members, too, this is not an easy job. It's not something that you go out and apply for or look for. You try to listen. You try to take everything into account. And I have never, ever had a decision made before I've ever set on one, and I think I speak for the rest of the members. So I really resent the fact that you said that.

MR. TONY BARNES: And I'll apologize if it was taken that way.

MS. SHARON ACKERMAN: Thank you.

MR. TONY BARNES: But I don't think I'm the only one that heard it, so --

MS. SHARON ACKERMAN: Okay. Thank you.
MS. STACY HISSONG: Mr. Chair, before the meeting is adjourned, okay, I was going to go through the appeal process.

MS. TAMMY BARNHARD: Can I see the packets that you were given --

MR. DAVID SPLIT: We'll leave this open for one more comment here.

MS. STACY HISSONG: So I would recommend that I go through the appeal process and then you have a formal motion to adjourn and you vote on that motion.

MR. DAVID SPLIT: Yeah. We'd like to hear that.

MS. STACY HISSONG: Okay. So the appeal process for today's decision is with the Muskegon County Circuit Court within 10 days. And you have the opportunity to do that, if you so wish.

Now you can entertain a motion to adjourn.

MR. DAVID SPLIT: Okay. We have a motion to adjourn. All in favor?

MR. KEN ERDMAN: Aye.

DR. TOM TISUE: Aye.

MR. DAVID SPLIT: Aye. Thank you, everybody.

(Whereupon, meeting concluded
at 8:10:37 P.M..)

--ooOoo--

STATE OF MICHIGAN )
COUNTY OF MUSKEGON ) ss.

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

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

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

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

Dated at Muskegon, Michigan, this 4th day of December, 2018.

Michelle M. McKee, CSR-3841
Notary Public, Muskegon County, Michigan
My commission expires June 7, 2021
eventually[1] - 10:16
evard[4] - 1:18,
2:24, 3:4, 3:13
ERDMAN[11] - 4, 8,
4:22, 5:1, 5:12, 6:8,
6:10, 6:17, 8:5, 20:1,
38:9, 38:11, 38:14,
38:17, 38:20, 39:5,
49:19, 49:22, 78:9,
79:3, 79:8, 81:21
Erickson[31] - 1,5,
1,8, 2:11, 2:16, 4:4,
8:18, 8:19, 8:23, 9:2,
12:4, 15:3, 15:6,
15:11, 21:9, 21:11,
45:13, 46:7, 46:9,
46:22, 46:23, 51:14,
53:15, 53:18, 53:21,
60:11, 60:20, 60:23,
64:17, 71:18, 74:23,
79:1
especially[3] - 17:7,
27:10, 63:23
essence[1] - 74:18
established[8] - 8:20,
22:2, 71:1, 71:3,
71:5, 71:9, 71:24,
71:25
establishment[1] - 26:7
estimate[1] - 69:9
et[1] - 77:4
evening[3] - 2:1,
34:18, 54:4
eventually[1] - 60:10
evidence[9] - 38:3,
64:7, 64:13, 69:1,
69:4
exact[2] - 76:2, 76:3
eample[2] - 11:12,
| view [1] - 61:9 |
| views [1] - 25:10 |
| voice [1] - 3:9 |
| voting [1] - 5:24 |
| wetter [1] - 47:4 |
| widen [1] - 41:24 |
| wind [1] - 47:17 |
| wish [2] - 78:11, 81:17 |
| wished [1] - 12:11 |
| wishes [2] - 7:12, 14:20 |
| wondering [1] - 16:5 |
| word [1] - 27:14 |
| wording [1] - 76:22 |
| words [2] - 10:1, 10:3 |
| worms [2] - 14:18, 50:16 |
| worried [1] - 50:17 |
| ya's [1] - 37:9 |
| yard's [1] - 70:7 |
| yards [1] - 47:25 |
| years [1] - 56:14 |
| years' [1] - 55:21 |
| ZAHL [1] - 59:15 |
| zero [1] - 56:9 |