

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>SPECIAL MEETING</u></p> <p style="text-align: center;"><u>CUDDY DRAIN INFORMATIONAL</u></p> <p style="text-align: center;"><u>Tuesday, June 4, 2013 6:30 p.m.</u></p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Approved June 13, 2013 As presented</p>
<p>Meeting called to order at 6:37 PM by Supervisor Mark Englerth. Roll Call: J. Lippert, Englerth, M. Cook. (3 Present). Absent with Notice: John Jerkatis, Treasurer and Bruce Campbell.</p> <p><u>PLEDGE OF ALLEGIANCE</u> Staff Present: Interim Zoning Administrator Larry Knowles, and Frank Fiala. Visitors: 42 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p><u>EXPLANATION FOR MEETING:</u> M. Englerth, Supervisor, explained why the meeting was held. Since three board members planned on being present, a quorum of the township Board of Trustees would be present which constitutes a special meeting which is open to the public.</p>	<p>EXPLANATION FOR MEETING</p>
<p><u>BRIEF HISTORY OF THE CUDDY DRAIN:</u></p> <p>Englerth spoke of how the drain has been improved upon to run faster as time has gone on. Approximately a year and a half ago, Allegan County Road Commission had made plans to replace the rusted-out culverts. The DEQ would like a larger box culvert figuring in the 100 year flood. A \$325,000 approximate estimate has been given by an engineer. On April 12, 2012, Yankee Springs Township Board of Trustees had voted not to support the resolution to allow the Drainage Board to assess for costs in excess of the statutory maintenance spending allowances because it was not clear how the costs would be determined.</p> <p>Now, at this point, the Road Commission will pay half of the \$300,000 (previously \$325,000 less \$25,000 contributed by the Gun Lake Tribal Council). The other half is to be covered by the drainage district. Englerth mentioned that some questions might be, "Will the new culvert fix all of the problems?" or "Will we have to dredge it?". Englerth commented that the road experts say that the road will fail and not be safe, but the township and residents have to look at the drainage part of it. Englerth went on to acknowledge tonight's speakers.</p>	<p>BRIEF HISTORY OF THE CUDDY DRAIN</p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u> Tonight's speakers will be: Deb Masselink, Representative from the GLPA, Greg Purcell, Planning Commission member and Valley Drive resident, and Russ Yarger, Barry County Drain Commissioner.</p> <p><u>Russ Yarger, Barry County Drain Commissioner</u> commented that \$25,000 was donated by the Gun Lake Tribe and this amount came off of the estimated \$325,000 cost of the proposed project. The cost is to be shared by the Road Commission and Drain District. Since 1985, 22% has been covered by Allegan County and 78% by</p>	<p>ACKNOWLEDGEMENT OF VISITORS</p> <p>Page 1 of 5 YST Bd Trustees/ Information Cuddy Drain 6-4-13</p>

Barry County. The Allegan County Drain Commissioner, Denise Medemar and the Barry County Drain Commissioner, Russ Yarger, have agreed that this project would be 50 – 50, making it \$75,000 for each county.

R. Yarger commented that the \$325,000 was an engineer's estimate, and their estimates are usually 15% high.

Greg Purcell distributed The Cuddy Drain Project Goals handout reads as follows:

The Cuddy Intercounty Drain Drainage Board has proposed replacing the Patterson Road crossing of the drain. In order to meet the goals of all concerned parties it is hereby submitted that the project, in addition to replacing the drain and ensuring a stable Patterson Road crossing, be designed and constructed to meet the following goals:

- 1.) Prevent flooding on all developed property.
- 2.) Protect all residences from flood and water damage.
- 3.) Limit debris from flowing through the drain into the channel and Gun Lake.
- 4.) Limit sand and other sediment from flowing through the drain to settle in the channel.
- 5.) Prevent/minimize e-coli from flowing through the drain into the channel and Gun Lake.

Discussion & questions from the audience:

Jim Bidol, of Valley Drive, asked the Drain Commissioner about Wayland Township's petition which will cause it to go to the Board of Determination and they will approve or disapprove. The Board of Determination is made up of the Barry County Drain Commissioner (R. Yarger), the Allegan County Drain Commissioner (Denise Medemar), and a representative from the Department of Agriculture. J. Bidel asked if anyone has done a study on the box culvert to say what the effects or consequences will be. Bidel also asked if they put out a report such as on the degree of the sediment flow. Bidel mentioned previous studies done a few years ago that involved Mr. Yarger's predecessor. At the time of those studies, the Allegan County retainage basin was found empty when it was expected to be full.

Greg Purcell, YS Planning Commission Member, Valley Drive Resident,

commented that he became aware of the Cuddy Drain situation at the meeting of February 4, 2013. Purcell commented on the yellow house near the drain that floods nearly every time when there is a heavy rain event. Purcell also mentioned the threat of floating wood into the channel and the increased chance of wood, and other debris coming into the channel with the increased culvert size. Also increased would be the speed and quantity of water. Purcell reviewed the goals on the handout that was distributed. He commented that Jim Bidol had covered the sediment situation very well. Deb Masselink will cover the e-coli situation a little later in the meeting. G. Purcell stressed to the audience that YS Township wants the residents to be aware of this drain situation and the proposed project. The DEQ has issued a permit for this proposed culvert.

Linda Meyers, of Island Drive, asked for clarification on whether the Wayland Township petition was for the whole project or just the culvert. Russ Yarger, Barry

**ACKNOWLEDGEMENT
OF VISITORS cont'd**

County Drain Commissioner commented that it was just for the culvert. R. Yarger also commented that the YS Township Board could make a resolution to approve the project. G. Purcell commented that the Board of Determination, of three members, would have the say on the project.

Greg Thoman, of Valley Drive, commented that the culvert is needed. He mentioned that during a recent rain event the culvert worked. He said that the problem now is when it rains the water turns brown. Thoman asked why the farmers can plow right up to the drainage ditch. Thoman felt attention should be turned upstream. Other residents commented that Allegan County Road Commission is cutting near the ditches and leaving wood. The wood goes down ditches and into the Cuddy Drain. Residents agreed that the wood is supposed to be picked up, but probably isn't done due to budget constraints. Greg Purcell commented that he'd like another retention pond on the west side of Patterson.

Mark Englerth referred to issues in the First Street area.

Joan Seagly, of Valley Drive, commented that they have lost a seawall twice because of the drain situation. J. Seagly wanted to know what the resident's responsibility or portion will be in the project. J. Seagly commented that there is a huge traffic volume on Patterson over the drain. Seagly wondered why a small group has to pay the burden. It was noted that 113 homes were on the Barry County side of the drain area. Greg Purcell commented that he'd be willing to pay his share, however, he wants to be happy with the results of the project.

Dan Roberts, of Valley Drive, is a civil engineer, not for the DEQ. He commented that he was aware that the sedimentation basin is full and there is no place to put the materials. Another basin needs to be constructed but substantial cost is involved.

Jim DeYoung, of Boardwalk Ct., and Barry County Commissioner, asked if the township could act on the project to get things going. R. Yarger, Drain Commissioner commented that the YS Township Board could sign a resolution and items could be added to it as needed. G. Purcell added that there is a need to make sure that everyone benefits.

Deb Masselink, GLPA, Gun Lake Resident commented that she has the nickname of "Poop Snoop" because of her work with e-coli samplings. D. Masselink commented that the magic number of organisms in a sampling is 300. After 300, the water is not safe for body contact. In April of last year, the sampling near the Patterson Bridge passed the 300 test. In September it was 700. A week ago (from tonight's meeting), last Wednesday a.m., the bridge at Patterson had a count of 2,662. The count at First Street was 601 (which was the lowest), at Timber Creek (N. Branch) 2,662 and S. Branch was 1,701. North of M-179 was 2,420. It was noted that the GLPA paid for this.

Greg Thoman of Valley Drive commented that trucks hauling human "sludge" (feces) come in and fertilize the fields in the area(s) near the Cuddy Drain.

Peggy Bidol of Valley Drive asked if anyone was evaluating sand mines and whose job it was to do so. It was noted by Deb Masselink that Jim Riehl, President of the GLPA, offered to walk some of the stretches- including gravel pits. Discussion took place on the current mining ordinance of Yankee Springs and erosion coming out of the stream bed.

Mike Seagly, of Valley Drive asked if eminent domain was involved with the drain situation.

Frank Fiala, of the BC Road Commission and YS Planning Commission Chairman, commented about funding for roads. Approximately 19 cents per gallon of gas goes to roads. Funding has gone down, so the road commissions have to share with local townships. Fiala went on to explain whenever there is a county line the Road Commission doesn't do just half of the road. Fiala gave the algorithm of farmer(s). Farmers would agree that a portion on the north would be handled by one of the farmers and the portion on the south would be handled by the other farmer. The portion of Patterson Road involving Cuddy Drain is handled by Allegan County. Discussion occurred regarding the inability of the culvert to serve as a dam. Discussion also occurred about previous use of a screen on the culvert and how that was ineffective.

Mark Barber of Valley Drive commented that a recreational boating channel was basically being operated on a farm channel. M. Barber commented that people have trees that dump leaves. He mentioned getting rid of the trees close to the channel. M. Englerth added that every twenty years, if you live on a channel, it has to be dredged. Barber agreed and commented that it has to be maintained. Barber also added that there has only been a couple of catastrophic water rising floods in twenty years.

Peggy Bidol, of Valley Drive, mentioned that boats can't be put closer to the shore because of the sediment layer. There may also be plot restrictions on boat parking.

Mary Ann Gehrke, of Park Drive, asked if the problem would be solved on the west or Allegan County side of Patterson. M. Gehrke mentioned that the owner of the yellow house on the west side of the Patterson "bridge" had problems after the creek west of 1st Street was widened.

Pat Gillespie of Valley Drive, commented that the drain issue was a complex problem. A lot of things were going on with this situation. P. Gillespie commented that this was an opportunity for residents to focus on "our beloved channel." From her perspective it seems the new culvert would possibly cause a bigger problem. P. Gillespie gave out kudos to Deb Masselink and the GLPA. Gillespie is hoping to get a tour of the drain system. It may mean wearing waders and mosquito repellent, but P. Gillespie would like to be informed.

Dan Roberts, of Valley Drive, Civil Engineer, commented that the real issue is that culverts will fail. The culvert design won't change. D. Roberts feels that the other issues have to be addressed.

Deb Masselink, GLPA, mentioned that there are gas lines by the bridge, so it can't be dredged.

Bill Baughman of S. Patterson Rd., commented that the size of the pipe should be changed. It should be made more narrow and higher. B. Baughman added that the gas lines aren't where the print shows them to be.

Linda Barber of Valley Drive asked when the project would be done. M. Englerth commented that it could be done this fall. G. Purcell commented that the only real thing holding up the project is YS Township. The money involved will not be paid by the Township, it will be assessed. G. Purcell reiterated that he doesn't just want the culvert done, he wants the problem solved.

Questions came regarding being notified about further information.
Another meeting is to be held regarding the Cuddy Drain this Friday, June 7, 2013.

Russ Yarger commented that the dredging equipment by the condos is a contractor's equipment and this contractor is doing individual dredging contracts –in front of individual's houses.

Russ Yarger also commented that there's not a cap on a resolution and that it could be financed up to ten years and could also bond and run it out 20 years.

Mary Ann Gehrke asked why Allegan County could not do a retention pond.
R. Yarger was told that Allegan County doesn't like to do retention ponds.
Purcell added that residents have to come together to work on this.
Yarger also added that the township has the ability with a resolution to spend the money to do it.

Linda Meyers added, "It's quality of life".
Jim DeYoung commented that the township has its level of interest to proceed.
M. Englerth encouraged residents in attendance to get their neighbors involved. He advised to pick a person to represent a certain number of neighbors (4 or so) to inform them.

Jim Bidol began a list of email addresses of residents who were interested in working ad hoc with the township to get things moving ahead.

Jan Lippert commented that the dredging equipment that residents may see is not the harvester equipment that will be harvesting the weeds of Sunrise Shores area.

Meeting was adjourned by Supervisor Mark Englerth at 8:30 p.m.

Respectfully submitted:
Deb. Mousseau
Recording Secretary 6-7-13

Date: Draft approved June 11, 2013 / jcl
Approved Date: _____
Janice C. Lippert

Final Approval of Minutes: June 13, 2013

ADJOURNMENT