

<p align="center">YANKEE SPRINGS TOWNSHIP MEETING NOTES</p> <p align="center"><u>Cuddy Intercounty Drain Meeting</u> (Allegan and Barry Counties)</p> <p align="center"><u>Meeting to Determine Necessity of</u> <u>Proposed Maintenance and Improvements and for Amending the Drainage</u> <u>District Boundary</u> (In accordance with MCL 280.192, P.A. 40 of 1956 as amended)</p> <p align="center"><u>Wednesday, February 5, 2014</u> 6:00 p.m.</p> <p align="center"><u>Meeting took place at: Yankee Springs Township Hall</u> 284 N. Briggs Road, Middleville, MI 49333</p>	<p align="center">MINUTES</p> <p><u>Meeting took place at:</u></p> <p align="center"><u>Yankee Springs Twp. Hall</u> 284 N. Briggs Road, Middleville, MI. 49333</p>
<p>Meeting began at 6:05 p.m.</p> <p><u>Drainage Board Members:</u></p> <ul style="list-style-type: none"> • Brady Harrington, Chair, Michigan Department Of Agriculture & Rural Development • Denise Medemar, Allegan County Drain Commissioner • Russell Yarger, Barry County Drain Commissioner <p><u>Also Present:</u> Tammy Berdecia, Deputy Drain Commissioner of Barry County, Glen Pomp, Engineer, Allegan County, Kriss Dee Kraker, Chief Deputy Drain Commissioner, Allegan County, and Bonnie Rozema, Court Reporter.</p> <p>Present from Yankee Springs Township: Supervisor, Mark Englerth, Jan Lippert, Township Clerk, Frank Fiala, Cathy Strickland, Planning Comm., Richard Beukema, PC and ZBA. A total of 25 visitors signed in.</p>	<p align="center">ATTENDANCE</p>
<p><u>OPENING AGENDA ITEMS:</u></p> <p>Introduction of Drainage Board Members (noted above).</p> <p>Introduction of Dan Fredricks, P.E., Land & resource engineering and Surveying.</p> <p>Motion to elect secretary (from Barry County). (All ayes) MOTION CARRIED.</p> <p>Motion to approve meeting agenda as presented. (All ayes) MOTION CARRIED.</p>	<p><u>OPENING AGENDA ITEMS</u></p> <p>Motions to elect secretary and approve meeting agenda of Feb. 5, 2014. Motions Carried.</p>
<p><u>READING OF PETITION, EXPLANATION OF PROCEDURES AND VOTING RULES</u></p> <p>Brady Harrington, Chair, read the June 6, 2013 Petition from Wayland Township, as well as the July 16, 2013 Petition from Yankee Springs Township including its five requests. After reading the petition, B. Harrington noted that the petitions were a long way of saying, "there's an allegation of a problem".</p>	<p><u>READING OF PETITION, EXPLANATION OF PROCEDURES AND VOTING RULES</u></p>

ENGINEER'S PRESENTATION:

Presentation given by Dan Fredricks of Land & Resource Engineering. This was the same presentation given to at the Cuddy Drain Informational Meeting held February 1, 2014 at Yankee Springs Township Hall.

PUBLIC COMMENT & QUESTIONS:

Bob Reahm, Park Dr., Wayland, commented that he lived here at that time (1985 - Dredging) and no sediment came out of the pipes, everything was frozen. Reahm added that no sediment went back there (proposed sediment disposal site), and the man (dredging contractor) went bankrupt.

Mike Manning, of Island Dr., (Email Comment- Read by Brady Harrington)- Manning commented that he was impressed with the presentation given Saturday. Mr. Manning and his wife were not able to be at tonight's meeting but were generally in favor of the recommendations put forward by Dan Fredricks of Land & Resource Engineering. Manning took issue with the splitting of financial responsibility of the bridge work. It should be 50% Allegan Cty. Road Commission and 50% Barry Cty. Road Commission according to Mr. Manning. In no way, shape or form, should the residents along the Cuddy Drain be responsible for the payment of the bridge. If individual citizens are selectively targeted to pay for a bridge, then it should be made a toll bridge and anyone who passes over it can pay. Residents of Cuddy Drain make up less than 1% of those who use the bridge. Additionally, there are heavy trucks passing over the bridge every ten to fifteen minutes. Follow up information is needed on the pricing of the dredging of the back channel, and finalized assessment map on those added and deleted.

Mark Barber, Valley Dr., commented that he is a 20 year resident of the Cuddy Drain. The main purpose purpose of the Cuddy Drain is to drain down to the lake (Gun Lake). He also commented that dredging isn't a drain issue. He feels it is more of a recreational/boat issue. He commented that the tubes under Patterson Road failed and got this whole situation started. Barber asked why the other stuff is being discussed beyond the scope of what really needs to be done.

B. Harrington responded as to why other items are being considered, YS Twp. requested these things to be considered in its petition. As far as dredging goes, Barber would like to see a special assessment district made for the people that actually live on the Cuddy Drain and have a fixed cost so that they know what they are getting into it. He would also like there to be a vote taken on it instead of some sort of unilateral decision that a quarter of a million dollars will be spent to dredge this channel.

Richard Beukema, Valley Dr., commented that he lives a couple of houses closer to Patterson Road than Mark Barber. He lives in the 300 to 400 foot sand sediment area that plugs up every couple of years. R. Beukema thanked the Drain Board for having an evening meeting. He commented that the five project goals have been mentioned over and over. The most important thing to look at is addressing the health, safety and welfare of the residents. Mr. Beukema recommends that the recommendations of the engineers be followed to the letter.

ENGINEER'S PRESENTATION

PUBLIC COMMENT & QUESTIONS

Ed Mylnarchek, of S. Patterson Rd., asked if the water involved was lake water or Cuddy Drain water. Mr. Mylnarchek asked when was the last time the west side had been flooded. Mylnarchek commented that flooding only happened one time, and he had been there almost 100 years. E. Mylnarchek doesn't know where the problem is. He feels there is no drain problem west of Patterson. He said it was all east of Patterson. He feels it is a money factor all the way through. He feels if the problem is the tubes clogging up, it is up to the county to take care of that.

**PUBLIC COMMENT &
QUESTIONS: cont'd**

Jim Bidol, Valley Drive – commented that he would like to thank the Drain Board for the work they have put into the issue and open minded aspects that it has been putting into multiple meetings. “That is doing your public service under the law as public servants”, added Bidol. Bidol also added that he hopes the Drain Board sees this (situation) through. It is expected from them as public servants to take their jobs seriously. Bidol also thanked the Drain Board for hiring a professional engineer for the project. Bidol feels that the scope outlined for the project is a good, sound scope of public necessity. “The problem is not whether we should have a culvert...but someone perceived it, and all of a sudden, “Let's put in a \$330,000 culvert and that's it. They didn't think it through....there's never been a study. It was simply, “You need a larger culvert.” Good. Ban the consequences...” commented Bidol. “This board and the township and the Friends of the Cuddy Drain have highlighted some of the problems that result if you just permit greater flowage of water which means greater flowage of sediment. If you start cutting and whacking (at the scope of the project), with one exception, the Gardner tie in, as a whole the scope is of public necessity to address a number of problems,” commented Bidol. Bidol had a list of items that still need to be looked at. He started living on Valley Drive in 2004. The sand in the channel near him is heavy and it isn't just the first 400 feet. Bidol commented that this is indicative of a greater problem of sand coming down. Bidol questioned the use of proper erosion controls for the sand mine and excavation. Bidol mentioned that when you hold water, you hold sediment. “The persons east of Patterson, but for the first 400 feet, we should have them pay 100%? ...The benefits are greater to Allegan (County). We take your water. We take your increased sediment. We take your sand. You're saying we get 100% of the benefit because we boat and ride on the first six, seven, twelve inches of the water?.. There should be a 25 or 40% load of benefits,” added Bidol. Bidol commented that if the culvert is opened up, more water would flow and more sediment would flow. He feels that if it is decided that the culverts are the only issue, then the project will end up in failure mode. “You can't cut it back to nothing. You got to do the sound thing. That's your duty. We expect no less from all of you. Thank you very much,” added Bidol.

Mark Englerth, YS Twp. Supervisor- thanked the Drain Board and the engineering firm representative. “The task ahead of us is hard, it is a lot.... We need to pull together as friends and neighbors... Maybe the expectations are different for those of us who have only lived here for one generation. Let's make this a project that we can all be proud of and we can all live with. We still have a lot of nuts and bolts and framing to do, but we will get there,” commented Englerth.

Patricia Gillespie, Valley Drive, her family has been on the channel for 49 years now and has seen a lot of change. Gillespie echoed previous thanks given to those working on the project so far. Gillespie does not want to divide dredging from the rest of the project. She commented, "We benefit from being on the channel." She realized recently that her parents purchased a piece of land that was on a drainage ditch. Gillespie feels there is a lack of understanding in the community on what is being dealt with here.

Deb Masselink, GLPA, Friends of the Cuddy Drain- commented that she'd like to ask the Drain Board to adopt the entire program that Dan Fredricks has outlined. "Especially don't cut out the sedimentation basin," concluded Masselink.

Mike Meyers, of Wayland, has property on the northwestern edge of the Cuddy Drain. Meyers commented that he didn't know until recently that he was on the drain. Dan Fredricks informed Meyers that the work proposed for Meyers area is "woody debris management" and minor clearing.

Patricia Gillespie, Valley Drive, asked about the Cuddy Drain charge on her winter tax bill. Russ Yarger, Barry County Drain Commissioner commented that it was for the initial engineering for the culvert replacement. Usually a project comes alongside of the cost, but the project was stalled.

Jim Bidol, Valley Drive, commented regarding the petition that says "remove and add" of the watershed area. It was established very recently there is an overflow tube (most likely), to the retention pond of Pleasantview subdivision. Bidol commented that this (area) should not be removed from the drainage district.

Bill Baughman, of S. Patterson Rd., commented that if the main channel is dredged, the side channels need to be dredged too.

Ed Mylnarchek, of S. Patterson Rd., asked why the streams all around aren't filled up with sediment. He feels that there isn't much of a problem. Mylnarchek commented that someone wants to make something out of nothing.

CLOSE OF PUBLIC HEARING: at 7:38 pm.

COMMENTS OF BOARD MEMBERS:

Russ Yarger, Barry County Drain Commissioner commented that he thinks Dan Fredricks (Land & Resource Engineering) has given a good view and appraisal of what is out there. Yarger heard more comments on Saturday from those living on the channel. Yarger wanted to hear more about dredging the whole drain from the people, and there had been more comments on that this evening.

Denise Medemar, Allegan County Drain Commissioner, did not have a comment.

CLOSE OF PUBLIC HEARING

COMMENTS OF BOARD MEMBERS

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MOTION TO DETERMINE NECESSITY OF MAINTENANCE AND IMPROVEMENT PETITION AND PUBLIC HEALTH BENEFITS:

Motion by R. Yarger with support from D. Medemar to find both petitions in favor of necessity of the Cuddy Drain Project. Scope yet to be determined. All ayes. MOTION CARRIED.

Motion by D. Medemar with support from R. Yarger to find public health benefit for Wayland Township and Yankee Springs Township. All Ayes. MOTION CARRIED. Both townships will contribute to the cost of the project based on public health benefit.

MOTION TO AMEND THE DRAINAGE DISTRICT RELATIVE TO THE ENGINEERING REPORT:

Motion by R. Yarger with support from D. Medemar to add and delete plans according to the engineer's recommendations. All ayes. MOTION CARRIED.

Brady Harrington mentioned to Jim Bidol that the Pleasantview Subdivision was talked about earlier today. It can be done (added) at a later date, it would have to be done through a hearing at the Barry County office. "Since those people were not notified tonight, we can't add them tonight," commented Harrington.

CLOSING COMMENTS:

The board will have to get together and hash out whether they will move forward with all of the engineers' recommendations. The Board's meetings will be public meetings and the community is welcomed to attend.

Harrington also thanked Englerth, YS Twp. Supervisor for the use of township hall and continued with a summary of what the next steps will be in the project. Based on where the board wants to go with the project's scope, Dan Fredricks will complete the final design for the drain. After that is done, provided no more easements are needed, the work can go for bid. Easements and permitting will be the two items that move the time frame one way or the other. After the board has the final design, it will be let out for public bid and there will be an additional hearing at each commissioner's office, the cost will be split between the two counties as a board, and it is up to the commissioners to take their percentage, whatever that may be, and apportionate that to all landowners that are in their portion of the drainage district. There are appeal rights for that assessment given to landowners. After that it will get billed.

B. Harrington mentioned that as far as tonight's hearing, individuals also have appeal rights and can take their appeal to circuit court (in which one resides) within ten days.

MOTION TO DETERMINE NECESSITY OF MAINTENANCE AND IMPROVEMENT PETITION AND PUBLIC HEALTH BENEFITS. Motion(s) Carried.

MOTION TO AMEND THE DRAINAGE DISTRICT RELATIVE TO THE ENGINEERING REPORT

CLOSING COMMENTS

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FURTHER COMMENTS:

Comment from M. Englerth, YS Twp. Supervisor: "...If you look at the 30 foot easement up and down the channel, back in the day when they ran the drag line down there, it hasn't been feasible for the last twenty years, and through the process, you may want to abandon that. Any dredging that you are going to do in the channel in the next hundred years is going to be with the hydraulic barge and it just encompasses the property. It is not feasible or practical, and it creates a hardship on the property," commented Englerth. Englerth also commented that there will be a lot of conversations ahead, but he wanted the Drain Board to be thinking about that (dredging).

B. Harrington closed this portion of the meeting at 7:45 p.m. The audience was welcome to stay for additional business to be conducted by the Drain Board.

ADJOURNMENT

Meeting for Necessity closed by B. Harrington at 7:45 p.m.

FURTHER COMMENTS

ADJOURNMENT

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Minutes – Cuddy Inter-County Drain Board Meeting
February 05, 2014 @ 6:00 p.m.
Yankee Springs Township Hall, 284 N. Briggs Rd., Middleville, MI

Members present: Brady Harrington, MI Dept. of Ag. & Rural Dev.; Russ Yarger, Barry County Drain Commissioner, and Denise Medemar, Allegan County Drain Commissioner.

Others Present: Tammy Berdecia, Barry County Deputy Drain Commissioner; Dan Fredricks, P.E., Land and Resource Engineering, Inc.; Kriss Kraker, Allegan County First Deputy Drain Commissioner; Glen Pomp, Allegan County Staff Engineer.

Harrington called the meeting to order at 6:03 p.m.

- Motion by Yarger, seconded by Medemar, to appoint Barry County to serve as Secretary for the February 05, 2014 meeting; all ayes, motion carried.

Harrington reviewed the purpose and goals of the meeting.

Review of the presented agenda.

- Motion by Medemar, seconded by Yarger, to approve the agenda as presented; all ayes, motion carried.

Reading of petition, explanation of procedures and voting rules – Brady Harrington

Harrington read aloud the resolution and petition from Wayland Township and Yankee Springs Township. Harrington reviewed the procedures and voting rules.

Presentation of drain inspection and recommendations – Dan Fredricks

Dan Fredricks presented a Power Point of his recommendations.

Public comment and questions

An email was read aloud by Harrington, from Mike Manning, who was not able to attend but asked that it be read aloud; he is generally in favor of the recommendations; a list of his pro's and con's were listed and read.

Mark Barber: Asked what the main purpose of dredging the channel after the 400 ft.; he feels that Patterson Road culverts are the main issue; he asked why all the other stuff is being considered.

Richard Buekema: Thanked the board for the evening meeting and asked the board to recommend this for health and safety and to consider the engineers recommendations.

Ed Mlynarchek - Spoke regarding the rain in 1998; asked about the water in Cuddy versus Gun Lake; asked about where the problem was because he feels there is no drain problem west of Patterson.

Jim Bidol – Commended the board for their work and open mindedness; he feels this is a good, sound report by LRE; he feels there maybe should be a separate district for the property owners who would like dredging done after the 400 ft.; he feels the apportionment needs to be reviewed.

Mark Englerth - Thanked Dan Fredricks and the board; he encouraged everyone to pull together.

Patricia Gilespi – Thanked LRE, Dan Fredricks and the board; she doesn't want to divide the dredging from the main project

Deb Masselink – Asked the board to adopt all of the recommendations from LRE.

Mike Meyers – Stated he is an Allegan County resident and he didn't even realize he was in a drain district.

Bill Baughman – Asked to include the two side channels in the dredging.

Ed Mlynarchek – Spoke about sediment and asked if it was a problem then why aren't all the streams around there full of sediment.

End public comment - Drain Commissioner statements

Public comment was closed at 7:38 p.m.

Yarger stated that LRE did a good job with their view and appraisal of the drain.

Motion to determine necessity of maintenance and improvement petition and public health benefits

- Motion by Yarger, seconded by Medemar, to hereby order and determine that the drain set forth in the petition dated June 3, 2013 by Wayland Township and July 16, 2013 by Yankee Springs Township, are necessary and conducive to public health, convenience or welfare; all ayes, motion carried.
- Motion by Medemar, seconded by Yarger, to further order and determine that the drain set forth in the application is necessary for the protection of the public health in the following municipalities: Yankee Springs Township and Wayland Township; and that a portion of the cost thereof, shall be apportioned to said municipalities at large; all ayes, motion carried.
- Motion by Yarger, seconded by Medemar, to amend the district boundary as recommended by Land & Resource Engineering, and depicted and described in the engineering report, all ayes, motion carried.

The board will decide what Land & Resource Engineering recommendations to accept. Fredricks will complete the final design document.

Harrington explained the rights and procedures for appeals and assessments.

The board signed the Order of Necessity.

Englerth asked about abandoning the easement.

Other business/closing comments

Review of the minutes from the meeting on December 10, 2013.

- Motion by Yarger, seconded by Medemar, to approve the minutes from the meeting of the Cuddy Inter-County Drain Board on December 10, 2013; all ayes, motion carried.
- Motion by Yarger, seconded by Medemar, to pay the bills presented; all ayes, motion carried.
- Motion by Yarger, seconded Medemar, to authorize the Treasurer to borrow up to \$150,000.00 for the Cuddy InterCounty Drain project; all ayes, motion carried.
- Motion by Yarger, seconded by Medemar to approve the proposal from Land & Resource Engineering, and authorize the Chair to sign it; all ayes, motion carried.

Set the date, time, and location of next meeting

Fredricks will email his available dates to the board for coordination.

Adjourn

- Motion by Yarger, seconded by Medemar, to adjourn at 8:04 p.m.

Tammy Berdecia, Acting Secretary
Barry County Deputy Drain Commissioner