

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP Informational MEETING FOR RESIDENTS OF THE Cuddy Intercounty Drain Project MEETING CALLED BY MARK ENGLERTH, SUPERVISOR Wednesday, November 5, 2014</p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 6:30 p.m. MINUTES</p>	<p>MINUTES</p> <p>INFORMATION ONLY</p>
<p>Meeting called to order at 6:30 pm by Mark Englerth</p> <p>Township Board Present In Audience Roger Rottschafer, Bruce Campbell, Mark Englerth, John Jerkatis Jan Lippert joined the meeting at 6:48 p.m</p> <p>Present: <u>Dan Fredericks, Land & Resource Engineering Inc., and Russ Yarger, Barry County Drain Commissioner.</u></p> <p>Visitors: 24</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p>
<p><u>Introduction by Mark Englerth, YS Township Supervisor:</u></p> <p>In light of the meeting that is taking place on Friday, November 7, 2014, this meeting was called as an informational meeting for the people of Yankee Springs and those directly affected by the Cuddy Drain project. The meeting that will take place on Friday is an official meeting of the Intercounty Drain Commission. Important decisions will be made at the meeting that will take place in the morning at 10:00 a.m. Tonight’s meeting was also held at a time that may be more convenient for most residents.</p> <p>Englerth introduced <u>Russ Yarger</u>, Barry County Drain Commissioner and member of the Intercounty Drain Commission, and <u>Dan Fredricks</u>, P.E., Project Manager, from Land & Resource Engineering.</p> <p>Tonight’s meeting is an informal forum to get information to the public. Englerth gave background information and history on what has transpired so far with the Cuddy Drain Project.</p> <p>Englerth commented on the sedimentation pond upstream plan. Englerth also commented on options that would be discussed this evening and would try to get an idea tonight of what direction the public wanted to go.</p> <p>Deb Masselink was introduced by Englerth. Deb has been very instrumental in the project. D. Masselink has a blog – “Friends of the Cuddy Drain” and welcomes visitors to the blog as well as their questions.</p>	<p><u>Introduction by Mark Englerth:</u></p> <p>Page 1 of 10 Info. Cuddy Drain Mtg. 11/5/14</p>

Question came from the audience. It was asked if the farmers could use the sedimentation to fertilize their fields. The unpleasant smell of the sedimentation was commented on by an audience member. Sand was mentioned as a main component of the sedimentation making it not very useful for fertilizer.

Liability insurance of dredgers was in question as well. Englerth commented that there would be a performance bond involved.

Englerth also commented that the only way that this (project) can be a success is to put the residents in charge and have them investigate.

Power point presentation of the Cuddy Intercounty Drain: by Dan Fredricks

Current Petition/ Project Goals:

- Current Petition found “Necessary” on 2/5/2014.
- **Project Goals:** (these goals came from the YS Township in resolution form– drawn up by Greg Purcell).
 1. Prevent Flooding on developed property.
 2. Limit Debris Delivery to navigable channel/Gun Lake.
 3. Limit Sediment Delivery to navigable channel / Gun Lake.
 4. Prevent or Minimize E-Coli contamination.
 5. Estimated Project is “Fair and Equitable”.

Drain History – pre-1960, 1985 Dredge Project and 1990’s to the Present was covered.

The Drain went from an 8 foot channel to an 80 ft. channel seawall to seawall.

A function of a stream system is not only to direct water transport but also the sediment. With a change from 8 feet to 80 feet, it slows the flow of water down and the sediment is dropping sooner. (300 ft. within Patterson Rd.) according to D. Fredricks.

Existing Conditions –E. of Patterson

- Dredging was 90% granular sedimentation. 10% is fines and organics.
- Routine maintenance dredging is required every 25 to 30 years.
- Annual sediment Load is approximately 400 cubic yards.
- Water Depths as low as 1 ft. near Patterson Road.
- There’s an approximately 250 foot long sediment Bar (sand) downstream of Patterson Rd.

Proposed Dredging overviews – of Cuddy and Island Drive- were presented as well as channel dimensions.

Mr. Barber, of Valley Drive, commented that if he had a boat this summer he’d be sitting on sand more often than not.

Power point presentation of the Cuddy Intercounty Drain: by Dan Fredricks

Mrs. Bidol, of Valley Drive, commented that the canal residents can only go 10 feet out.

Removing boats/shore stations was discussed for the dredging. Also mentioned was the fact that some residents have boat houses. Pumping/dredging boat houses was discussed (would be up to land owner with Boat Houses to pump out from underneath into the center of water way).

Time schedule of the project was questioned. Due to permits, and the timing of the bridge work – it was noted by D. Fredricks that it wouldn't take place this winter. Work may take place this spring. Dredging would most likely take place a year from now. Dredging would take weeks (a few weeks). Culvert work under Patterson has to be done before Memorial Day or after Labor Day, so ideally it will be done this Spring. The new culvert is in place at Island Drive. First Street work has been completed.

J. Jerkatis asked about a metal culvert going under Island Drive, and asked why wouldn't the DEQ approve it (metal) under Patterson. The DEQ is mandating that all new culverts being put in span the bankfull width (basically from the top of the bank to the top of the bank of a channel). D. Fredrick commented that the DEQ will not permit multiple culverts.

M. Barber, of Valley Drive, added that the "culvert at Patterson is a done deal". In question is the start date of the Patterson culvert project. **B. Baughman**, of S. Patterson Rd., mentioned that there is a gas main in the way.

Englerth commented that the bridge project is a job of Allegan County Road Commission and that we do not have a lot of control over it. They are set for "x" number of dollars and what they do with the gas main is their responsibility. It was clarified that Allegan is not paying for the entire bridge project, but they are in charge of it.

Fredricks continued to cover the dredging process and procedures used.

Quality Control/Assurance:

- Contract will be awarded to lowest Qualified bidder
- Contractor shall be bonded.
- Pre- and Post-construction survey to determine dredge quantity
- On-board GPS and Density Gauge will be used.
- On-site inspection by engineer.

A question came up regarding hours of working on the project. D. Fredricks commented that the work will not go on 24/7. However, maybe a 7 a.m. to 7 p.m. shift would occur in the summer, periodically.

Dredge Disposal Site alternatives:

At the last meeting – many sites were identified according to D. Fredricks.

The Zasadil (Collins/Shepard) property was mentioned. The Mylnarchek property and

Van Denack (Lettinga) property was mentioned as well.

Dredge Disposal Site alternatives were discussed (compare/contrasted.)

A. Collins/Shepard (Zasadil) Property:

Pros:

1. Close proximity to Drain, no additional pumping
2. Land acquisition (permanent)

Cons:

1. High land acquisition cost (\$152k < 3 acres)
2. High visibility (potential decreased aesthetic value)
3. Available storage volume exhausted after project.

Estimated cost: \$240,000

B. Mylnarchek Property

Pros:

1. Secluded, larger track of land to spread spoil.

Cons:

1. High cost (\$50k for 6 ac.)
2. Temporary Easement
3. Requires additional pumping (\$6 per CYD) for 10,000 to 14,000 CYDs (\$60k to \$84k total)

Estimated cost: \$180,000

C. VanDenack Property

Pros:

1. Lowest cost (4 to 6 ac. at \$4k per acre)
2. Secluded, larger track of land to spread spoil

Cons:

1. Temporary Easement
2. Requires additional pumping (\$6 per CYD) fo4 10,000 to 14,000 CYDs (\$60k to \$84k total)

Estimated cost: \$150,000

The questions came up, “Who will maintain it?” and “Who will own it?” Fredricks commented that right now it could be the Cuddy Drain Board, the Township, or it could be “your” association.

Existing Sediment Basin

- Constructed in 1991 between First St. and Patterson.
- Designed to capture 90% of supplied sediment load.
- Maximum Capacity of Sediment sump @ 450 cubic yards.
- On-site Disposal Area Exhausted.

It was noted the Intercounty Drainage Board maintains the sediment basin.

Preliminary Project Cost Estimate

Cuddy Intercounty Drain

- Preliminary engineering Study/ E-coli Study \$20,000
- Garner Drain (Allegan County) - \$55,000
- Drain Improvement, West of Patterson \$165,000
- Sediment Basin \$50,000
- Dredging Navigable channel \$380,000
- Dredge disposal \$180,000 to \$280,000
- Patterson Road Culvert Replacement \$330,000 (1/2 ACRC)

***Preliminary Estimate of project cost ~\$1.18 to 1.28 million**

*Note – does not include Legal, Administrative, Permitting, Mitigation, Remediation or Financing Costs.

M. Barber, of Valley Drive, asked “Why are we being assessed for a culvert that is used by thousands of non-residents who drive over it daily?”

R. Yarger commented that First Street was done with FEMA money. It was asked, “So why not Patterson?” Yarger commented that FEMA paid for First Street because the storm messed up the road on First Street. Patterson Road’s culvert was not ruined by a storm.

Mark Barber asked why Island Drive isn’t being assessed. Island Drive benefits only Island Drive residents according to M. Barber.

Englerth commented that Island Drive is not a county drain, it is a county road. The reason why they are doing it (assessing for Patterson) is because they can assess half of it to people on the drain. Patterson is a county drain. Englerth commented that “It is what it is.... Unfortunately that’s the way the law is, and when you’re a road commissioner looking at a million dollars worth of deficit; why are they going to do it? Because they can. There’s nothing right about it.... Actually the Intercounty Drain Board makes the decisions. We don’t get to.” Englerth commented that the township got ahead of this situation about a year and a half out. Quality information was obtained ahead of time. He added that there are maybe no good choices here, but we need to take the best of what we have.

Barber commented on being assessed for the culvert and also for the dredging, but the dredging is by choice.

Preliminary Project Cost Estimate

Island Drive channel

- Additional Dredging cost \$80,000
- Mobilization/Dredge Disposal Contribution \$70,000 to 95,000
- Engineering, Survey, Testing and Inspection Contribution \$12,000

- MDEQ Permitting \$3,000
- Contingency \$10,000

*Preliminary Estimate of Project Cost ~ \$175k-\$200k

(*Note- Does not include Legal, Administrative, Permitting, Mitigation, Remediation or Financing Costs.)

Mr. Bidol, of Valley Drive, asked “Are there any true economies of scale cost-wise that would benefit those on the Cuddy?” It was noted that the mobilization cost of Island Drive may come off the Cuddy project.

- Cuddy ICD Cost w/ Island Drive Contribution * \$1.1M to \$1.17 M

Greg Purcell summarized that the decision to be made involves 3 issues:

1. Culvert at Patterson will happen and will have to be paid by Cuddy Drain residents per state law. It is a fixed cost likely to happen next Spring.
2. The other choice is whether to dredge the navigable Cuddy channel portion east of Patterson out to Robbins Bay. Purcell would advocate doing it for reasons of property value and recreational aspects. If dredging is a “go” then three choices for spoils has to be made: The farmhouse across the way, Mylnarchek Property, and VanDenack property.
3. Island Drive will shoulder their project financially. It is Island Drive’s choice.

A question came up asking of any changes on the map regarding the Cuddy Drain Assessment. Fredricks answered with the following information: The subdivision to the north (with Goldenrod in it) will be included because they actually do their storm water outlets into the Cuddy. There are 160 parcels within Barry County along Patterson, Island Dr., Valley, Goldenrod. All those parcels will be liable for assessment. Some of the cost will be taken up by the Road Commission, some by the townships and what is leftover will be split between the landowners of Allegan and Barry. Historically it has been a ratio of 22 % Allegan, and 78% Barry - it is looking like more of a 50/50 split maybe a little bit heavier with the dredging on the Barry County side of it. Fredricks would figure a \$600,000 to \$700,000 type of assessment over 160 parcels.

Mrs. Bidol spoke about an alternating of the 80/20 % ratio comment of the Drain Commissioners. Fredricks explained that work done in Barry County would be 78% to Barry and 22% to Allegan and vice versa for Allegan work.

Another question arose, “How will the assessments be set up for the length of time?”

Russ Yarger commented “We can go ten years just getting a loan, but we can bond for more years than that.”

Another question was: “When will we know that? (Length of time)”. Englerth commented the Drain Commissioners (three members - total) will ultimately make their decision on their own. Englerth commented “We can’t guarantee the outcome. What we’re hoping to do is steer this through your eyes, through your voice with as much good information as we can get you.”

Barber inquired if before any dredging can take place, if there was a need for a petition system of 51% or more in support of the project. **Fredricks** commented that it will ultimately be based on the decision of the Drain Board to proceed or not.

Preliminary Apportionment
Cuddy Intercounty Drain

- Preliminary Estimate of Project cost \$ 1.1M - \$1.3M
- Approx. 160 parcels within Barry County
- Apportionment Percentages: TBD by Intercounty Drainage Board

Island Drive channel

- Preliminary Estimate of Project cost \$175k – \$200k
- Special assessment District: TBD by Yankee Springs Twp.
- 18 Individual lots and *Boardwalk at Gun Lake Condominium border Island Drive channel.

Greg Purcell gave credit to Mark and friends of the Cuddy Drain for having this meeting tonight. The Intercounty Drain’s meeting is scheduled for Friday at 10 a.m. during working hours. Tonight’s meeting was for the convenience of residents and to make information available.

Fredricks commented that **Russ Yarger** will not be the only person on the board on Friday, Allegan County will be represented and the Dept. of Agriculture rep will be a tie-breaker if needed. The goal on Friday according to **Fredricks**, will be to look at everything on the table. Do we want to dredge? Where do we want to go with the spoiled material? **Fredricks** hopes that an easement will be secured.

Russ Yarger commented that on Friday, they want to decide whether they will dredge and what parcel to use if they are going to dredge to keep things on track. If they wait for more meetings this winter, then more people will be gone and the project will be held back even longer.

A resident commented, “Get ur done.” Another person added, “Amen.”

Jerkatis commented on the special assessment procedure that the township has provided in the past.

It was noted that the Drain board can decide to do the funding themselves as an option, i.e. bonding.

YS has never had a mandatory special assessment to **Jerkatis**’ recollection. “Ideally, we want a volunteer petition to the township for a special assessment (in regard to Island Drive)” commented **Dan Frederick**.

Maxine Beukema, of Valley Drive – commented that east of Patterson, the Cuddy Drain is a navigable channel. “Does the state mandate that?” inquired **M. Beukema**.

Fredricks commented that the Cuddy Drain's responsibility is that the flow can get through the channel. As long as the water can flow through there, that is all the Drain Board is responsible for according to Fredricks.

*****At this point in the meeting: A vote was taken (of those in attendance) on dredging of the Cuddy Drain. It was a unanimous vote for dredging.*****

In regards to making an offer on **Dredge Disposal Site Options**, the following properties were discussed before going up for a vote:

A. – Zasadil B. Mylnarchek C. – Van Denack

Jerkatis asked about clearance through the state to check if all the proposed sites were approved for disposal. Fredericks commented that the sediment has been tested per state requirements and the results have come out over 90% granular and at that point it needs no additional testing and can be disposed of in an upland area. There is no need for the state to sign off on it in this regard. The Cuddy is an established county drain. "We are establishing the channel that was of the Cuddy Drain which is exempt from DEQ permit under "Inland Lakes and Streams" section of the Natural Resources Environmental Protection Act. No permit is needed to do the Cuddy portion to dredge it out. When you start talking about doing over 10,000 cubic yards of material, it has to be tested. We've gone through the testing, in accordance with the DEQ procedures and those test results have come out to show there's no contamination and furthermore, its granular material cannot have the pollutants associated with it that a finer particle would have. Therefore, there is no need for additional testing. There is no need for disposal at a hazardous waste site. It can be disposed of in an upland location in accordance with all federal, state and local standards." **Jerkatis** asked, "Then the state has officially written off on this?" "Even if they'd come back to us we would have the documentation to say that we've covered every single base; we've done the testing in your accordance (DEQ's); we've written signatures from the firm that did this which is one of the biggest testing firms in the state. There would be no reason to do this. But, moving on to the next level. Let's say we want to do the Island Drive channel, that is not an established county drain. That will require a DEQ permit. We will then submit a permit for that," commented Fredericks. Fredericks remarked that he didn't see any issue with getting a permit for that (Island Drive dredging). The permitting process will take two to three months. Fredericks also commented that movement has to really begin now on this project because of the permitting process. "Essentially YS Twp. would have to have an assessment district in place and have this petition there so that the Board will say OK and help you guys move forward in letting this all be one contract with two different ways to pay for them," commented Fredericks.

Dan Fredericks commented that YS Twp. needs to get moving on securing land. The permit process will be the biggest constraint time-wise.

Englerth directed the forum to voting on a disposal site location.

R. Beukema commented that what happens, sedimentation-wise, will land by his house in a year or two. He needs to have a place for that to go.

Barber commented on not being concerned about discussing what happens 25 to 30 years from now.

Maxine Beukema inquired if the dredging that may occur near her home (just East of Patterson) happened, where would the dredging go and will they and neighbors close by have to pay extra. **D. Fredricks** commented on options for this situation. "With "C" there would be a permanent easement to maintain the sediment basin and therefore do our best efforts to reduce the sediment load going down into the drain as much as possible by capturing ... and again this takes in the majority of the watershed... It would reduce the frequency that you'd have to dredge" added **Dan Fredricks**. "As part of the project, we are doing stabilization efforts upstream to reduce the impact and the amount of sediment that is being supplied," commented **Fredricks**.

Rottschafer mentioned that large equipment would not come in for pumping sedimentation in a small area. "Realistically, C, is the best option," commented **Rottschafer**. "With "C" there's a possible option of an easement".

Dropping "B" (Mylnarchek property), **D. Fredricks** asked to look at A or C.

Purcell commented that one way or another, everyone is paying for this. **Purcell** commented that we don't want this just to go by the board. Proper maintenance has not been done. Property owners have to be treated fairly as well. "There has to be some assurance that if you don't get that Collin-Shepard property, that they are not going to be left with all this sediment just piling up in front of their part of the channel," added **Purcell**.

Barber commented that no matter what property you have, that is going to happen.

D. Masselink feels the sediment will drop immediately on the east side of the bridge, because of the lack of velocity in pushing it down toward Rich's (Beukema) house. **D. Masselink** asked if there was something that could be parked on the bridge and it could scoop from time to time.

Barber asked if Allegan County had cleaned that part of it out. **Yarger** commented that Allegan has done it two or three times and Barry County has done it too.

Mrs. Bidol asked if "we" went with "C", who would take care of digging it out? **Fredricks** commented that there would always be a cost associated with removal.

Mr. Bidol summarized that under "A" it would be pay now but more, and under "C" it is pay less. "But for maintenance, we are going to pay either way" added **Mr. Bidol**.

Englerth commented that one thing that **Dan** mentioned was pumping up the bulk of the stream and waiting for maintenance dredging down the road. "Decisions made will last a long time. We've been waiting for two years for Beukema's issue. It is almost time for Christmas trees in the channel again," commented **Englerth**.

When asked what he would do, D. Fredricks said realistically he'd go with "C".

INFORMAL MOTION TAKEN FROM PEOPLE IN ATTENDANCE:

Purcell motioned to go with alternative "C" with the stipulation that there would be negotiation for permanent easement, and ensurement that work will be done for proper maintenance down by the culvert (Beukema's). Seconded by Gephart. A unanimous vote was given for "C" (the VanDenack property).

At 8:52 p.m., Supervisor Englerth thanked those in attendance and brought the meeting to a close.

Respectfully submitted:

Deb Mousseau
Recording Secretary
11-12-14

Janice C. Lippert, Township Clerk

Page 10 of 10
Info. Cuddy Drain Mtg.
11/5/14