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| <p align="center"> YANKEE SPRINGS TOWNSHIP MEETING NOTES <u>Cuddy Intercounty Drain Meeting</u> (Allegan and Barry Counties) <u>Meeting to Determine Practicability of Petition for</u> <u>Proposed Maintenance and Improvements</u> (In accordance with the Michigan Drain Code, P.A. 40 of 1956 as amended) <u>Tuesday, July 23, 2013</u> 10:00 a.m. <u>Meeting took place at: Wayland Township Hall</u> 1060 - 129th Avenue, Bradley, Michigan </p> | <p> DRA Meeting took place at: Wayland Township Hall Bradley, Michigan </p> |
| <p> Meeting began at 10:00 a.m. <u>Drainage Board Members:</u> <ul style="list-style-type: none"> • Brady Harrington, Chair, Michigan Depart. Of Ag. & Rural Development • Denise Medemar, Allegan County Drain Commissioner • Russell Yarger, Barry County Drain Commissioner <u>Also Present:</u> Tammy Berdecia, Deputy Drain Commissioner of Barry County, Glen Pomp, Engineer, Allegan County, Kriss Kraker, Chief Deputy Drain Commissioner, Allegan County, and Bonnie Rozema, Court Reporter. Present from YST: Supervisor, Mark Englerth, Greg Purcell, P C, Richard Beukema, PC and ZBA. 29 visitors signed in. </p> | <p>ATTENDANCE</p> |
| <p> <u>OPENING AGENDA ITEMS:</u> <u>Introduction of Drainage Board Members</u> (noted above). <u>Motion to elect secretary</u> (from Allegan County). (All ayes) MOTION CARRIED. <u>Motion to approve February 4, 2013 meeting minutes.</u> (All ayes) MOTION CARRIED. </p> | <p>REA</p> |
| <p> <u>DING OF PETITION, EXPLANATION OF PROCEDURES AND VOTING RULES</u> Brady Harrington, Chair, commented that the Drainage Board was at Wayland Township Hall because of the petition of Wayland Township to The Allegan County Drain Commission. B. Harrington went on to read the Petition of Wayland Township. Motion was made by R. Yarger with support from D. Medemar to find petition valid and sufficient. All ayes. MOTION CARRIED. <u>PETITIONER PRESENTATION:</u> Roger VanVolkinburg, Wayland Township Supervisor, commented that it has been an ongoing problem with the Cuddy Drain and mentioned that Gardiner Drain is now part of the Cuddy Drain District. VanVolkinburg noted that problems are at Patterson and upstream at 1st Street. <u>PUBLIC COMMENT & QUESTIONS:</u> B. Harrington read a letter from William Baughman of S. Patterson Rd., commenting that the gas main on the east side of Patterson Road will have to be moved for the project. Another letter was read in which the resident agreed that the culvert is deteriorating. The writer also mentioned pulling a large log from the debris, and asked the Drainage Board to please take into consideration the residents involved that live downstream. A third letter was read from Robert May of Island Dr., requesting safeguards to protect residents from being a toilet to those upstream. <u>Greg Purcell, resident along Cuddy Drain, and representing the informal group, "Friends of the Cuddy Drain"</u> commented that he understood and approved the need for the culvert. Purcell referred to the Hippocratic oath, and how we should adhere to it in all that we do. "First do no harm" was a point Purcell emphasized from the oath. Purcell mentioned that Yankee Springs Township Board was requested to have a resolution regarding the Cuddy Intercounty Drain project. The resolution was adopted on July 16, 2013. Purcell commented to the board, "We don't want you to <u>shift</u> the problem. We want you to <u>solve</u> the problem." G. Purcell went on to read the following goals from page two of Yankee Springs Resolution draft dated 7-10-13: <ol style="list-style-type: none"> 1. That the project be designed and engineered in a manner that limits debris of all manner, including large woody debris, branches, floating waste, and other material from flowing through the culvert and draining into the Cuddy Channel and subsequently into Gun Lake. 2. That the project be designed and engineered in a manner that limits sand and other sediment </p> | <p> Petition Valid Public Comment Gas Main-Baughman Greg Purcell "Friends if the Cuddy Drain" Page 1 of 5 July 23, 2013 </p> |

from flowing through the culvert and into the channel depositing silt and rendering the channel unfit for navigational purposes.

3. That the project be designed and engineered in a manner that minimizes the flow of e-coli and other deleterious bacteria from flowing through the culvert into the channel and subsequently into Gun Lake.
4. That cost of the entire project shall be incorporated into one consolidated project that is paid for in a "fair and equitable" manner for all residents and users of the drain and Patterson Road, unless deemed not financially feasible by the Township Board. (Purcell interjected that the residents & township do not want to just write a blank check for this project).
5. That the Drainage Board authorizes maintenance of the project by a third party on an ongoing basis to ensure regular maintenance of the drainage district. (Purcell also interjected that the YS residents have heard there are issues of miscommunication. Cuttings have gone on and wood has been allowed to drop.)

Purcell summarized his comment by reiterating: #1 – First, do no harm. #2 Expand the scope of project and #3 Have one consolidated project.

B. Harrington, Chairman of today's meeting, commented that he felt that Purcell's comments seemed to fall in line of with the Drainage Board's thoughts.

Deb Masselink, GLPA, Friends of the Cuddy Drain, and "Poop Snoop", commented that after eight days of drought, all of the e-coli readings she had taken failed. Masselink has data dating back to 1997, which consistently shows e-coli coming down the drain. Masselink commented that the speed of the water seems to be affecting the e-coli ratings, and the speed needs to be slowed down. Masselink suggested re-opening sand traps. This would stop some sedimentation and will continue to work on e-coli before it gets to the lake.

Deb Masselink

Mark Englerth, YS Township Supervisor, remarked that he had been quoted for saying this situation is "Rural vs. Recreational America". Englerth emphasized that it is not a feud taking place, but an opportunity to work together. Regarding a third party, (Item #5 on YS Twp. Resolution), Englerth commented that it takes more to clean out a channel (economically) than it does to clean out a sand trap. This project could be an opportunity to fulfill everybody's needs and keep costs down. Englerth also mentioned the 1956 Drain Code and the idea of "fair and equitable". Englerth would like to go back and do an analysis of what is "fair and equitable". Englerth commented that this meeting is not the end today. He hopes it is the beginning of a cooperative effort and opportunity. Englerth continued to commented that it is not an "easy fit" and that there's been bad behavior in the past of the Allegan County Road Commission.

Mark Englerth

Catherine Kaufman, Attorney at Law, of Bauckham, Sparks, Lohrstorfer, Thall & Seeber, PC, representing YS Township, commented that she appreciated the Drainage Board hearing the comments of Yankee Springs Township today. C. Kaufman added that her firm represents many townships and has dealt with many drain projects. Her experience is once a decision of practicability is made, it is hard to change the scope of the project. Although one party can make a request, a lot of people have to live with it.

Catherine Kaufman,
Attorney

Joe & Bernadette Maitner, of 2814 Patterson Rd. were present to represent Mrs. Maitner's mother whom has lived along the drain for over forty years, Ann Mlynarcheck. In the last four or five years, her lawn has been flooded in the front and back and comes into the hours. Their main concern is that the project goes forward.

James Riehl, President of the Homeowner's Association on Gun Lake, distributed a letter that he had sent to YS Township in May. The letter was distributed to the Drain Board at this meeting. J. Riehl is very concerned with the increased size of the culvert and feels homeowners of the Gun Lake have not been considered. He commented that they will be stuck with whatever happens for a very long time.

Joe Maitner

Another letter was sent to the Drainage Board and mention concern of the water quality and ecosystem, debris flowing through the culvert, into the channels and then into the lake, funding for regular cleaning of the drain/sedimentation, getting help to ensure public safety as they navigate Gun Lake, protection and safety for Gun Lake residents, and being a stakeholder (GLPA) in this project. J. Riehl asked about language in the Wayland Township resolution regarding installation of devices to "properly purify" drain water. B. Harrington of the Drainage Board mentioned that this wording, in 1956, probably was in regards to sewage. J. Riehl asked if it were broad enough to included e-coli and debris. B. Harrington commented that probably yes, but it will be interpreted by several lawyers. Harrington continued that if it is not defined in a statute, they one must go by a plain reading.

James Riehl

Jerry Artz, GLPA, was called to comment, but J. Artz replied that he supports the comments of J. Riehl.

Ron Heilman, of Park Drive, has property in Wayland township near the Cuddy Drain, but he resides

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on the Yankee Springs side and concurs with everything commented on so far. He mentioned that the discussion of e-coli keeps coming up. He noted that farmers have to fertilize, and mentioned "berming". Berming would mean putting dirt up and planting some kind of plant (perhaps a bush type) into the berm.

Ron Heilman

KeLinda Scott of 1st Street, commented that 1st St. lost 200 – 300 trees because of the road project. She commented that they were assured trees along the drain would be cut but not roots and trunks. That was not true. K. Scott mentioned that a lot of trees were dropped and left. It was so clearly the fallout of that project that caused the problems with 1st Street according to K. Scott. Scott encouraged the Board to not over-do the project and hold accountable people who have caused the problem.

KeLinda Scott

James Bidol, of Valley Drive, commented that he needed a point of information cleared up. He wanted to know what was done if anything to the drain in the Allegan County portion after the February Drainage Board meeting. Denise Medemar, Allegan Cty. Drain Commissioner, replied that they (Allegan County) haven't really done anything. J. Bidol asked what has happened in the last two years beside rainfall that has caused the current problem. Bidol added that rainfall has been down in last two years. Glenn Pomp, of the office of the Allegan County Drain Commission, mentioned clear cutting on Tawsley Drain that could create a problem with swifter water flow and debris. Bidol commented that the Drain Commissioners have authority and they represent all the constituents that have to pay assessments. Bidol added that one cannot divide into a scenario of West vs. East, or farmers and channel residents who like to put their boat in. It comes down to practicability. Bidol mentioned that when looking up "practicability" in the dictionary, you get to "practical" which means "do-able". Bidol commented that cutting on Crystal Lake and draining it into Lake Michigan lowered Crystal Lake by 30 feet. Bidol noted that moving water can be a good thing and moving water swiftly can be a negative thing. "To prevent flooding of one resident is salutary, but what about downstream?" commented Bidol. Bidol hopes the Drain Commissioners and Chairman will look at the "big picture." Bidol requested that they don't do the project "piece meal". "We are counting on you. Do it right now," added Bidol.

James & Margaret Bidol

Margaret Bidol, of Valley Drive, commented that it was 4' deep in 2002 or 2003. She commented that Island had to be dug out three or four times since 2000.

Richard Beukema, of Valley Drive, lives 200 feet east of Patterson. He purchased the property in 1994 and in 1995 put in a \$6,000 seawall. In 1997, the flood took out the seawall. The seawall was repaired. In 2005 a log got wedge in his boatlift and he had to pry it out. Beukema assumed that it went into Gun Lake. Recently, Beukema has pulled a 16' log up from the last rain. He has pulled shards of wood from the cutting equipment used, baby diapers, bottles, cans, and salt bags from water softeners. Beukema gets a trash wash when there is a heavy rain. Beukema commented that it is all coming from the west side of Patterson. Beukema made an analogy of having a yard higher than your neighbor's yard, and all of your stuff draining into the neighbor's swimming pool. The neighbor is not responsible for the damage or your stuff. It is not their fault.

R & M Beukema

Ed Mylnarchek, of S. Patterson Rd., asked when was the last time that Cuddy Drain got flooded out. Mylnarchek commented that Cuddy Drain goes all the way to the lake. E. Mylnarchek also mentioned the 22% / 78% current cost payment ratio between the two counties.

Maxine Beukema, of Valley Drive, commented that when they sit on their deck they see a lot of vehicles cross over Patterson Drive. Many are gravel and logging trucks. M. Beukema noted the bumps in the road when you go down hill on Patterson coming from the north and going up to the four-way stop near the BP station. M. Beukema noted that the rippled tar (creating the bumps) is from heavy trucks. Beukema suggested that maybe the trucks should somehow pay instead of just the people on Cuddy Drain.

KeLinda Scott commented in regards to making people responsible for their actions. She also mentioned that a giant pile of sand was put on the bridge and it has had to be replaced. Scott asked, "Why all the sand?"

George Cigle, of Patterson Rd., commented that he owns 60 acres south of the bridge. He added that sand seems to be there no matter what. In regards to e-coli, G. Cigle asked, "Can't they find out where that comes from? From farmers? Who was there first?" Cigle commented that he received calls about allowing fracking on his land. Cigle added that his objection is being assessed so often.

Ed Mylnarchek, of S. Patterson Rd., asked why it wouldn't it be right for Allegan County to put the culvert in, and not Barry County. B. Harrington responded that if it is a project, both road commissions are assessed.

G Cigle

Mark Englerth, YS Supervisor, asked about "both" road commissions being assessed. Englerth commented that it is an Allegan County road. R. Yarger, Barry County Drain Commissioner commented that the county will be assessed a portion. Englerth commented that Brad Lamberg of Barry County Road Commission hasn't been involved in this (proposed project). Harrington commented that he

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| <p>presumed some Barry County roads are within the district. Englerth added that "This is not lake folks versus rural America. It's not the right versus the left. We want to be fair to everybody. We need to get a focus on the fact that we are neighbors and let's work together."</p> | E Mlynarchek |
| <p>Greg Purcell, Valley Drive, presented an aerial view of the Cuddy Drain district. G. Purcell pointed out the Barry County portion of the district in comparison to the large portion in Allegan County. G. Purcell commented that he doesn't mind paying for the culvert, but doesn't want to pay for detriment to his property. He asked that it be taken into consideration minimizing detriments with best practices. G. Purcell commented that early in the meeting the flooding of Ann Mlynarchek's property was mentioned. "This (Cuddy Drain) is a resource. It's a benefit for everybody who lives here," added Purcell.</p> | Mark Englerth |
| <p>Richard Beukema, of Valley Drive, commented that he has lived there 18 years. In front of his house is the sand trap. He asked if the sand trap could be put on the west side. Beukema mentioned that it would be less expensive to move sand on the west side rather than in the channel. Beukema commented that it was an economic issue but also a matter of thoughtfulness.</p> | G Purcell |
| <p>George Cigle, of Patterson Rd., commented that the east side benefits from the sand trap and they should take care of it. "I'm against that," added Cigle.</p> | |
| <p><u>An unidentified resident</u> mentioned having prisoners clean out the debris and giving the prisoners a pair of boots and gloves.</p> | |
| <p>Denise Medemar, Allegan County Drain Commissioner commented that they have Trustees going out with the Drain Commission. Allegan County has 800 drains.</p> | |
| <p>With no more public comments, the comment period was closed at 11:20 a.m.</p> | |
| <p>Brady Harrington thanked all that commented.</p> | |
| <p>COMMENTS OF BOARD MEMBERS:</p> | |
| <p>Russ Yarger, Barry County Drain Commissioner commented that he pretty much agrees with all that has been said. "We do look at the big picture. I have no problem with all that was brought up," commented R. Yarger.</p> | |
| <p>Denise Medemar commented that Allegan County does have two maintenance men going out doing storm patrol and checking out problems.</p> | D Medemar, |
| <p>MOTION REGARDING PRACTICABILITY OF THE DRAIN:</p> | |
| <p><u>(Motion to cover sufficiency of petition was made earlier in the project.)</u></p> | |
| <p>Motion by R. Yarger with support from D. Medemar to approve that project has shown that it needs to be done. All ayes. MOTION CARRIED.</p> | Public Comment Closed |
| <p>MOTION TO SELECT AN ENGINEER OR SURVEYOR:</p> | |
| <p>R. Yarger asked if the project was large enough to take bids on. R. Yarger added that it should be bid apples to apples.</p> | Comments of Board Members |
| <p>Motion by R. Yarger with support from D. Medemar to have each commissioner pick three engineers to receive bids from on the proposed project and to include an environmental engineer. All ayes.</p> | |
| <p>MOTION CARRIED.</p> | |
| <p>In regards to the previous motion, Jim Riehl of the Gun Lake Homeowners Association, asked if a firm had an environmental person in it, would that count for the inclusion of an environmental engineer?</p> | Motion: Practicability: Passed |
| <p>Mark Englerth, YS Twp. Supervisor, commented that a way or vehicle of information had to be found in order to keep the people informed as the project progresses.</p> | |
| <p>Todd Williamson, Gun Lake Tribe, commented that he works with the Gun Lake Tribe and thinks this problem has been addressed in other communities. He advised not to recreate the wheel. Williamson commented that he was pleased with what he had heard at today's meeting.</p> | Motion: Select Engineer or Surveyor: Passed |
| <p>Brady Harrington, Chair of the Drainage Board, mentioned that he doesn't see a re-creation of the wheel adding that they were all commissioners.</p> | |
| <p>CLOSING COMMENTS:</p> | |
| <p>B. Harrington commented that the proposal will be reviewed, and both townships, Friends of Cuddy, and Gun Lake Homeowners Association will be invited to the next meeting. Harrington asked that the townships communicate to their constituents.</p> | |
| <p>Denise Medemar, Allegan Cty. Drain Commissioner, commented that they (Allegan County) can put information on their website.</p> | |
| <p>There being no further comments, B. Harrington closed the meeting.</p> | |
| <p>At this time, the Drainage Board took care of a business matter. (Invoice approval).</p> | |
| <p>FURTHER COMMENTS:</p> | |
| <p>It was determined that the next step in the project was to hire an engineer to put together a preliminary design with cost estimates. Then there would be a hearing of necessity. It was noted that it could be appealed by anyone in the drain district through court procedures. It was also noted that there will be another opportunity to appeal what is assessed to your property.</p> | Closing Comments Page 4 of 5 July 23, 2013 |

The next communication will be a notification of the Hearing of Necessity.

Peggy Bidol, of Valley Drive, asked to be notified by mail.

Mark Englerth mentioned bad behavior of the Allegan County Road Commission. Englerth summarized the situation after the Allegan County Drain Commission had gone through. He commented that the Allegan Cty. Road Commission had gone through and committed "Armageddon". Englerth added that there was no accountability by the Road Commission on that. B. Harrington, Chair of the Drainage Board commented that they were not at a point to address this at this time.

ADJOURNMENT

Motion by D. Medemar with support from R. Yarger to adjourn the meeting at 11:37 a.m. MOTION CARRIED.

Respectfully Submitted.

D Mousseau
Recording Secretary

ADJOURNMENT

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