

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b></p> <p style="text-align: center;"><b><u>Cuddy Drain - Special Meeting</u></b></p> <p style="text-align: center;"><b><u>Thursday July 11, 2013</u></b></p> <p style="text-align: center;"><b>5:30 p.m.</b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>Circulated July 15, 2013 FINAL MINUTES Accepted as information</b></p>
<p>Meeting called to order at 5:38 PM by Supervisor Mark Englerth.</p> <p><u>Roll Call</u>: Jerkatis, Englerth, M. Cook. (3 Present).</p> <p>Late with Notice: Jan Lippert (J. Lippert joined the meeting at 6:05 p.m.)</p> <p>Absent: Bruce Campbell.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Staff Present</u>: Interim Zoning Administrator Larry Knowles, Sandy Marcukaitis, Cathy Strickland and Frank Fiala.</p> <p><u>Visitors</u>: 18 (not including staff present).</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>EXPLANATION FOR MEETING:</b></p> <p>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. On July 5, 2013 Supervisor distributed a letter to "Friends of the Cuddy Drain" to bring up to date status of the Cuddy Drain proposed project. Tonight's meeting is also the presentation of "draft" resolution for the Township Board to adopt at a Special Meeting on July 16<sup>th</sup>, 2013 at 7 PM.</p>	<p><b>EXPLANATION FOR MEETING</b></p>
<p><b>BRIEF HISTORY OF THE CUDDY DRAIN:</b></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. 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 (which involves the township and county as well as residents in the drain district.) Wayland Township has petitioned the Drain Board and that petition has moved the project forward. Englerth went on to acknowledge tonight's speakers.</p>	<p><b>BRIEF HISTORY OF THE CUDDY DRAIN</b></p>
<p><b>ACKNOWLEDGEMENT OF VISITORS:</b></p> <p><b>Tonight's speakers will be: Deb Masselink, Representative from the GLPA, Greg Purcell, Planning Commission member and Valley Drive resident, and</b></p>	<p><b>ACKNOWLEDGEMENT OF VISITORS</b></p> <p>Page 1 of 5 YST Bd Trustees/Cuddy Drain 7-11-13</p>

**Russ Yarger, Barry County Drain Commissioner. Also present: John Lohrstorfer, YS Township Legal Counsel.**

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**QUESTIONS FROM THE AUDIENCE:**

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**Bob Reahm, 12716 Park Dr.,** mentioned the 1<sup>st</sup> Street culvert, and asked if it would be fixed. Englerth commented that Allegan County is in charge of this. Russ Yarger, Barry County Drain Commissioner, commented that Allegan County didn't plan on detouring on 1<sup>st</sup> Street.

**Deb Masselink, GLPA, Gun Lake Resident** commented that she has the nickname of "Poop Snoop" because of her work with e-coli samplings. At a previous meeting, D. Masselink commented that the magic number of organisms in a sampling is 300. After 300, the water is not safe for body contact. A map was provided for those in attendance. This map showed the water testing points of 5/29/13. All five locations failed. Masselink mentioned that she received results today for testing around Gun Lake. All the testing points looked good, except for near the Cuddy Drain. That point tested at 479 which is over the safe level of 300. Since the testing of 5/29/13, Masselink has found out that the City of Wyoming Wastewater plant had made injections just prior to the testing. However, the tests were not affected by the injections. If there are standing pools of manure, they would not be coming from the injections. D. Masselink commented that she understands the need to fertilize fields, but just would like those involved to be good stewards.

**Bill Baughman of S. Patterson Rd.,** asked where the injections were done. D. Masselink did not know the exact locations from her contact with the waste water treatment plant, but she was assured that no standing liquid is allowed where the injections took place.. All injections are supervised on site.

**Peggy Bidol of Valley Drive** asked about the monitoring of fertilizing of the fields. M. Englerth commented that the DEQ monitors it.

**Greg Purcell, YS Planning Commission Member, Valley Drive Resident,** showed the Cuddy Drain area on an aerial map. Comments were made regarding the small area (canal residents) on the east (of Patterson Rd.)or Barry County side, and the large area involved on the west or Allegan County side.

Purcell also mentioned that a very important meeting is taking place on Tuesday, July 23, 2013 at 10:00 a.m. at the Wayland Township Hall. Russ Yarger, Barry County Drain Commissioner added that the Wayland Township petitioned the Drain Board to have the meeting as a determination of practicality.

Purcell showed a picture of a large accumulation of debris near the culvert. He commented that if the proposed box culvert goes in, this debris will end up in the front yards of canal residents. Purcell went on to review the additional items that will be in the Yankee Springs Township Petition and Resolution. They are as follows:

1. That the project be designed and engineered in a manner that limits debris of

**Additional items that will be in the Yankee Springs Township Petition and Resolution**

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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 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.
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.

**Mark Englerth, YS Supervisor**, mentioned that the catastrophic rainfalls this spring took out 1<sup>st</sup> Street and almost Patterson (in the Cuddy Drain area). He added that Allegan County is responsible for maintenance, but they have a lot of other responsibilities as well. Englerth suggested a group, such as, "Friends of the Cuddy Drain". This group would be along the lines of the "Adopt a Highway" program which involves clubs or groups like the Elks, Masonic Lodges, churches, etc. M. Englerth commented that he didn't want to fight "Rural America", but the drain runs into an area that has half million dollar homes or so in it. Englerth added that Allegan County can't take an ownership role of every mile of drain in Barry County. Russ Yarger commented that Barry County has 240 miles of drain within it.

\*At 6:05 p.m., Jan Lippert joined the meeting.

**John Lohrstorfer, YS Township Legal Counsel**, spoke of the uniqueness of Yankee Springs' petition to protect the interests of Gun Lake. He added that the township has to find out, if the petition is accepted, what kind of costs could come about.

Also, discussion occurred regarding the terms of practicality and necessity.

**Russ Yarger, Barry County Drain Commissioner** mentioned that grants will be made available with 90/10 matches for engineering feasibility costs. Classes on this won't start until October however. R. Yarger added that he feels the culvert will happen and then the next year, the additional items may occur. Yarger will see to have the portions (percentages of project payments by counties, townships, and residents) reviewed. G. Purcell asked R. Yarger what will happened on the 23<sup>rd</sup> (meeting of Drain Board at Wayland Twp. Hall). Yarger commented that they will probably go ahead with the culvert and do it next fall. Purcell mentioned that the Drain Board consists of three individuals:

1. A State Representative, Brady Harrington of the Department of Agriculture.
2. The Drain Commissioner of Allegan County.
3. The Drain Commissioner of Barry County.

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**Additional items that will be in the Yankee Springs Township Petition and Resolution (continued)**

**Greg Purcell, YS Planning Commission Member, Valley Drive Resident,** reflecting on the fact that only three individuals will decide the outcome of the drain project, emphasized the importance of making some noise. The culvert is funded and permits have been obtained. Purcell commented that the culvert will happen, but may have negative effects to those east of Patterson. Purcell urged to make calls to State Representatives, State Senators, Barry County Commissioners (Craig Stolsonburg and Jim DeYoung), the Lieutenant Governor, and the Governor (who has a summer residence on Gun Lake). These calls need to be made prior to the July 23 meeting. Purcell commented that he will be handing out a list of names to contact and distributing it in his neighborhood. Yarger commented that the Department of Agriculture will be the tie breaker, if there is a tie (at the meeting). John Lohrstorfer, YS Legal Counsel, commented that legally one township can trigger a project and the Drain Board can go ahead with the project.

**Jim Bidol, of Valley Drive,** commented that he has 42 years experience with the Road Commission. J. Bidol commented that there will not be a necessity hearing after the practicability hearing. "The practicability is the best shot to get your interests known. They may not be able to entertain the amendments or they could table it," commented Bidol. Bidol added that for recourse, the township could go to court, which would be expensive. Bidol advised that all arguments have to be made eloquently. "We've done great things for Paul at the expense of Peter," commented Bidol. Peggy Bidol added that the drain was originally eight feet deep and that they (canal residents) are being used as a garbage dump.

**John Lohrstorfer, YS Township Legal Counsel** commented that the only thing the township has is whether or not it can modify the project. Lohrstorfer added that items could be tacked on but they have to have costs on it.

**Bill Baughman of S. Patterson Rd** mentioned the consideration of weirs (barriers across a river or stream designed to alter flow characteristics). Baughman commented that if the weirs do not hold, it will turn the channels into sand.

**Mark Englerth, YS Supervisor** mentioned that maintenance needs to be involved and the community will have to be involved. "We have to take an ownership role, own it forever and be diligent," commented Englerth. "We know we have had this problem for three decades. Do we want to continue on the same path or make a new path?" asked Englerth.

**John Jerkatis, Treasurer,** mentioned that he had grown up near Glass Creek and he could always see the bottom. Jerkatis asked R. Yarger, "Isn't there something that can be done on limiting cultivation to the edge of the drain?" Yarger commented that he didn't know how many farmers participated in Allegan County, but they are supposed to stay a certain distance from the drain. It is something that the farmers voluntarily do. Deb Masselink commented that when she has viewed the Cuddy Drain area via Google, she sees that there are fields planted up to the drain. Also, fertilizer trucks "spray" fertilizer. They don't drop it and they are planting close to the drain. Jerkatis asked if there was any capacity to hold the contractor to his bid on the project.

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**Continued Discussion**  
**regarding meeting to take**  
**place 7/23/13 at Wayland**  
**Twp. Hall.**

R. Yarger commented that they usually take the contractor's bid and put a 15% contingency on it. J. Lohrstorfer mentioned a project that went from two million dollars to 6 million.

**CLOSING DISCUSSION AND COMMENTS:**

**M. Englerth, YS Supervisor** addressed the audience and asked if the township was going down the right path. "It's about you folks, not us," commented Englerth.

**Jim Van Otteren, Valley Drive Resident**, asked if Barry County was paying 50% and Allegan County paying 50%. It was confirmed that the Road Commission would be paying half of the \$300,000 thus leaving \$150,000. The \$150,000 would be split 50 - 50 between Barry and Allegan Counties.

**Greg Purcell, YS Planning Commission Member, Valley Drive Resident** pointed out the relatively small area of canal residents on the east side of Patterson Rd. representing Barry County and the large area on the west side representing Allegan County. G. Purcell asked all in attendance to raise their hand if they agreed on the resolution to be presented to the Drain Board on behalf of Yankee Springs Township. Many, if not all, hands were raised. Purcell urged residents to voice their concerns and contact local and state representatives and government officials. He commented that this is the only opportunity (July 23, 2013 meeting at Wayland Township, 10:00 a.m.) to be heard. The only recourse would be costly litigation. M. Englerth also urged residents to get out and talk to their neighbors and make contacts regarding the project.

**Mike Seagly, of Valley Drive** asked M. Englerth if there was anyone against this (YS Resolution). M. Englerth commented that he didn't know of anybody and that there was a need to be careful because the people on the west side of Patterson are definitely not evil. M. Seagly also thanked Russ Yarger for bringing in a drag line a while ago and improving things for the canal residents at that time. Seagly also added that sand traps work.

In closing, G. Purcell asked everyone, if they were able to do so, to attend the meeting on July 23. M. Englerth commented that this situation would continue to be a struggle and a lot of work. He encouraged the audience to stick with the township on this. Englerth also thanked Deb Masselink, Greg Purcell and Russ Yarger for all of their involvement and efforts regarding the Cuddy Drain. The meeting closed at 6:48 p.m.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 7-11-13

Date: \_\_\_\_\_  
Janice C. Lippert, Clerk (7-16-13)

Received as Information

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**CLOSING DISCUSSION &  
COMMENTS**

**ADJOURNMENT**

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