

YANKEE SPRINGS TOWNSHIP
INFORMATIONAL Intercounty Cuddy Drain

Friday, June 28, 2013

1:00 p.m.

Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

Circulated July 11, 2013
FINAL MINUTES
Accepted as Information

MINUTES

Meeting began at 1:00 PM

In attendance: Mark Englerth (Yankee Springs Township Supervisor), John Lohrstorfer (YS Twp. Legal Counsel), Jerry Artz (GLPA), Deb Masselink (GLPA), Janelle Hohm (DEQ), Greg Purcell (YS Twp. Planning Commission), Fran Faverman (Local Newspaper Reporter), Richard Beukema (YS Twp. Planning Commission), and Russ Yarger (Barry County Drain Commissioner).

ATTENDANCE

Allegan County Drain Commission was invited to the meeting, but was unable to be present due to lack of personnel to adequately cover their office.

UPDATE OF PROGRESS:

PROGRESS UPDATE
 By Greg Purcell, PC

Greg Purcell, brought those in attendance up to speed on the current status of the Cuddy Drain situation. A permit is set for the box culvert (current project value= \$330,000). Yankee Springs has additional concerns with debris and sediment accumulation.

In the meantime, Wayland Township has had a petition and resolution to approve the drain project. G. Purcell has piggy-backed on the resolution of what Wayland has done (resolution-wise).

G. Purcell's draft copy (dated 6-26-13) of a possible Yankee Springs Township Resolution and Petition was distributed to those in attendance.

The culvert only deals with the roads. A meeting was held on June 4, 2013 regarding the Cuddy Drain. Over 40 to 50 interested residents of Yankee Springs area were present at the meeting. It was obvious that there is some real concern regarding the proposed drain project. Sand trap clean up, and protection of recreational use of waterways were some of the issues discussed.

DISCUSSION:

DISCUSSION

Russ Yarger, Barry County Drain Commissioner, commented that the Gardner Drain was always in the Cuddy Drain District. The two will combine and go under the Cuddy Drain District. The resolution that Wayland Twp. made was directed to the Drain Board.

Russ Yarger, Barry County Drain Commissioner

Mark Englerth, YS Supervisor, spoke of a percentage of costs covered between the counties and how those formulas of percentage are determined.

R. Yarger commented that it may have been negotiated many years ago. Engineers could have been involved, or a judge may have made the decision. M. Englerth commented that "fair and equitable" is what YS Twp. wants on the table. R. Yarger commented that he could move (at the Drain Board) that renegotiation is needed in regard to percentage amounts of projects covered by the different entities involved. M. Englerth mentioned that there is nothing fair and equitable to put the tax burden on a few residents when everyone benefits from the road. Englerth added that the primary benefit is to the road, not the drain.

CURRENT PERCENTAGE(S) OF COST COVERAGE:

Pertaining to this proposed project:

The Road Commission is paying half (50%).

Of the remaining 50%:

R. Yarger and Becky Rininger (The Former Allegan County Drain Commissioner) , agreed to split it 50/50 (\$75,000 each side).

Then: Coverage by the Township = 10 to 15 %

County = 20 %

Drain District Residents = 15%

(Approximately 113 parcels are involved on the East side (50 acres approximately), and 82 on the West side (4,000 acres) of the drainage district.)

Englerth added that YS Twp. wants to know, as well as numbers and percentages, the hydrology studies – if water is springing up regardless of rain.

Rich Beukema, Planning Commissioner, and Resident of Valley Drive, commented that the people that live east of the culvert contribute nothing to the sediment accumulation, but have to dredge it and put up with it and that is not fair.

July 23, 2013 is the scheduled meeting date of the Inter-County Drain Board to determine whether or not to go ahead with the project. The time is yet to be determined. R. Yarger commented that it is usually in the morning.

Past Poor Practices:

The sawing of wood and being thrown in the drain (cutting trees for safety purposes by the Road Commission- Allegan County) was mentioned.

Janelle Hohm of the DEQ, (Non-point Source Pollution) contacted another DEQ co-worker and was told that they (AC Road Comm.) are required to stabilize the

CURRENT
PERCENTAGE(S) OF COST
COVERAGE

situation. It was mentioned that homeowners wanted to keep the wood. Discussion took place regarding if the problem was with the Road Commission or the program.

M. Englerth mentioned that he doesn't want this to continue spring after spring.

Discussion also occurred about maintenance in a contract and that proper disposal of wood should be in contract. R. Beukema, PC and Canal Resident (Valley Dr.) mentioned that every time there is a gully wash, Allegan County puts gravel on the road which is basically dumping it into Gun Lake.

M. Englerth mentioned having a group to adopt a highway type program and they could clean up the area (First Street). Maybe a stipend would be involved.

Deb Masselink, GLPA, asked R. Yarger if he (BC Drain Commissioner) had the authority to go in and clean sand traps out. Yarger confirmed that he had the authority but would have to clear it at a meeting. M. Englerth reiterated that a normal maintenance schedule for this area has to be set up. Englerth added that this is where the agricultural meets the recreational. "We are a Baby Saugatuck here", commented Englerth.

Janelle Hohm, DEQ, commented that the areas where it is mowed up to the edge (of stream banks) need to be stabilized. J. Hohm mentioned core logs (made of coconut) that allow one to plant plants behind them to keep sedimentation back. She also mentioned anchoring logs to the side of the stream bank. Discussion took place of the need of permits for such activity. J. Hohm commented that she didn't recommend sand traps.

R. Beukema commented that 1,700 to 2,000 cubic yards of sediment comes through each year.

J. Hohm mentioned that First Street is a very difficult situation, adding that a stream shouldn't be by a road like First Street. Englerth commented that work should be done on the First Street road ditch before the culvert project takes place. Englerth mentioned the possible need to show civic responsibility for this area.

R. Yarger mentioned an idea to help correct the problem at First Street involving getting more right-of-way and filling in the ditch. Hohm agreed that it would be a good potential solution to the situation.

Discussion was redirected to the forming of a plan to present to the Drain Board and Road Commission. Fixing of First Street and doing sand traps were mentioned.

G. Purcell commented that the meeting of necessity will take place and the culvert will be a project. Purcell is not going to just stand by and let it happen.

Another item mentioned was the expiration of the permit for the sand trap that currently exists on the west side of Patterson.

R. Yarger was told that he needs to apply and send \$2,000 with the application. A decision will then be made. R. Beukema asked why the sand can't be hauled away. Yarger replied that easements were needed.

John Lohrstorfer commented that before the project begins, there needs to be a cost associated with what YS Twp. wants. Also, how the cost will be shared needs to be

CONTINUED DISCUSSION
REGARDING:

(Past Poor Practices)

made available, (i.e.: How will the cost be spread over 200 properties and for how many years?). It was also mentioned that item #6 of the proposed resolution and petition needs to be expanded.

In redrafting the resolution, R. Yarger suggested contacting Michael Gray to do the resolution exactly as needed. It was advised that the revised resolution be brought to the July 11th Board of Trustees meeting to be presented at a special public meeting.

M. Englerth interjected that once the situation is cleared up, dredging should be done by residents of the channel. A current issue of a dredging company operating from a residential area was mentioned as well. This was presented at the most recent Planning Commission meeting of June 27, 2013.

A plan of action would be to:

- Have R. Yarger give contact information to J. Lohrstorfer for the framing and drafting of the resolution to present to the Drain Board.
- Bring the situation to Public Hearing separately from the Board of Trustees meeting.
- Have a financial “cap” on what the township wants in the Cuddy Drain project.
- Get information to the Drain Commission in time for their meeting on July 23, 2013.

Discussion took place regarding wordage for the resolution. “Unless deemed financially feasible” was a phrase suggested by R. Yarger.

The following dates were scheduled:

July 11, 2013 – Thursday – an hour and a half prior to the Regular Board Meeting of the YS Trustees – 5:30 to 7 p.m. Neighborhood meeting

July 16, 2013 – Tuesday – Special Meeting Pertaining to the Cuddy Drain Project for all interested - 7 p.m.

(John Lohrstorfer to be at Spec. Meeting on July 16th.)

Final comments:

R. Yarger sees goals as:

- A new way to get across Cuddy Drain
- Clean basins
- Clean channels

Englerth added: 3rd party monitoring of drain – assigned by Drain Board for ongoing maintenance using best practices.

Meeting closed at approximately 3:00 p.m.

Respectively Submitted By: Deb Mousseau _____

(jcl 7-10-13)

Accepted as Information only

CONT'D DISCUSSION

(6-28-13)

John Lohrstorfer; Twp Atty

(Michael Gray)