

EUREKA CHARTER TOWNSHIP BOARD  
PUBLIC HEARING MINUTES  
ASSESSMENT ROLL - GREENVILLE WEST DRAIN DISTRICT  
April 7, 2008

A Public Hearing on the Special Assessment Roll for the portion of the Greenville West Drain District located in Eureka Charter Township was called to order by Supervisor Les Lillie at 6:30 p.m. in the Stafford Room of the Flat River Community Library on Monday, April 7, 2008. After the Pledge of Allegiance was recited, roll call found Lillie, Treasurer Cindy Hanson and Trustees Robert Mulholland, Rodney Roy and Laura Shears present and Clerk Linda Ruwersma absent. Also in attendance were Don Cooper, Montcalm County Drain Commissioner, Attorney John Lohrstorfer of Bauckham, Sparks et al, and 28 audience members.

Lillie pointed out that Candace Larkin was in attendance to take official minutes of the proceedings and would not be voting on any decision made at the meeting, that one Trustee position was vacant, and that the meeting was being recorded.

Drain Commissioner Cooper gave a Power Point presentation on Montcalm County drains. He said that there are 260 drain districts in Montcalm County with 1,200 miles of drainage. Drains are administered under the Michigan Drain Code and county Drain Commissioners are required to ensure that outlets are provided for storm drainage. He said that the Greenville West Drain is necessary because there is no outlet to a nearby river or lake; runoff empties into Coleman Pond and then on to the Greenville Country Club property. Cooper said the process for creating the Greenville West Drain District began in 2001 when the Township Board passed a Resolution to petition the Drain Commission for construction of the drain, held a Public Hearing on establishing the Special Assessment District, and filed the petition with the county. Cooper said the drain is necessary to protect Coleman Pond from silt, oil, grease and sediment because of the lack of an outlet; runoff water needs to be pretreated before it flows from Coleman Pond on to the Country Club. He said that due to development in west Greenville and west of Greenville, the drain needs to be built to protect the health and welfare of residents. Cooper said the total cost of the drain project will be \$869,200; the City of Greenville and Greenville property owners in the drain district will pay 74.73% of the cost. Property owners in Eureka Township will pay 17.89%, Montcalm County, 2.91% and the Michigan Department of Transportation (MDOT), 4.47%. The drain district encompasses 474.11 acres. When assessments were calculated, engineers looked at each parcel's distance from the drain, total acreage, benefits to the property owner and whether the parcel was greenbelt or had direct runoff. Cooper said that commercial areas with large parking lots will have direct runoff whereas in grassy areas, 9/10 inch of each inch of rain perks into the ground.

John Lohrstorfer explained the process of establishing the Special Assessment District from actions taken in 2001 to the current time. He said that bonds have been obtained to finance the drain project and that costs came in lower than anticipated. He said that the Township Board will approve the assessment roll after the Public Hearing; property owners can spread their assessment over 15 years but interest will accrue on the balance due. Assessments will appear on December, 2008 tax bills.

Lillie then opened the meeting up for public comments and the following were received:

- Richard Rees, 11507 W. Carson City Road, questioned the boundaries of the drain district. Cooper explained that the engineers determine which way the water flows from each parcel to determine if they are in the district.
- Roy Stearns, 10728 W. Carson City Road, said that he was required to construct a catch basin for his office and that none of his runoff enters the ditch. He asked about exemptions for those with catch basins. Cooper replied that if a parcel is within a designated drain district, it can not be excluded. Further, without the existing catch basins, the township's assessments would have been considerably higher.
- Steve Klackle, 11466 W. Carson City Road, said that he had found errors on the assessment roll and asked that corrections be made before the Board takes action. He said he is not opposed to paying his fair share for the project, but this process should not be rushed through if there are errors on the roll.
- Barbara Drake, 8471 Crestview Drive, asked if the existing Ridgewood Estates drain would remain intact. Cooper said that it was built to minimum standard guidelines and would remain. He said that water runoff from Ridgewood runs underground to Coleman Pond. He also confirmed that if the pond filled up and water had to be removed, those in the drain district could be assessed for the cost of that procedure.
- Steve Homich, 8406 Crestview Drive, asked why Ridgewood residents were included in the drain district when they already had an approved drainage system. Cooper said they were "given credit" for that drain by having a lower assessment. Those without a pre-existing drain will pay more. Since Ridgewood's runoff runs through a designated county drain, residents will pay an assessment. Homich felt that Coleman Pond changed when the Meijer parking lot was constructed.
- Kelly Draper, 8160 S. Youngman Road, asked for clarification of the amount of her assessment and about the assessment process. Cooper said that residential properties will have the lowest assessments and Lillie said he had a list of all parcels to be assessed and could provide individuals with their amounts after public comment was completed.
- Jeff Loomis of Commercial Bank, 10530 W. Carson City Road, said that his business has a retention pond that is not listed on the assessment roll. Lillie agreed to review that issue.

- Robert Christiansen, speaking for the Randy Merren property at 11466 W. Carson City Road, asked if the assessment would change if that property was developed. Cooper said a site plan would be required to show adherence to minimum standards and credit would be given for greenbelt areas.
- Ed Koehn, 11064 W. Carson City Road, questioned why he needs to pay an assessment when he constructed a retention pond as the Township required when he built his car dealership. Cooper said that the engineer would have looked at the size of the parking lot (100% runoff) compared to greenbelt areas on the parcel to determine his assessment and reiterated that anyone within the drain district boundaries will pay an assessment.
- Mark Petersen, 10606 W. Carson City Road, said that the drainage ditch in front of his business used to have a small amount of water flow during a rain storm, and now has 2-3 feet of water when it rains. He asked who would be responsible for maintenance of the ditch if it erodes. Cooper said that the ditch is MDOT's responsibility.

Lohrstorfer suggested that due to the questions raised on the calculations of assessments, the Board would need to decide to accept the roll as is or review it for possible adjustments. Lillie said that he had seen some inaccuracies on the roll, both in property owner names and misclassifications of parcels, and he proposed that the Board adjourn and schedule another meeting in one month after corrections in the roll are made. In the meantime, property owners were urged to talk to the engineer in the Drain Commissioner's office to see how their assessment was determined. Lillie asked that anyone challenging their assessment should send written notification to his attention at the township hall, 9322 S. Greenville Road, prior to the date of the next meeting.

Motion by Mulholland to reconvene the Public Hearing on Monday, May 5, 2008 at 6:30 p.m. at the township hall, supported by Roy, motion carried.

The Public Hearing was adjourned at 8:19 p.m.

Respectfully submitted,



Candace W. Larkin,  
Acting Secretary