



WASHTENAW COUNTY WATER RESOURCES COMMISSIONER

Bridgewater Village Tile Public Meeting Minutes

Location: Heritage Hall
9045 Austin Rd.
Saline, MI 48176

Time: 7:00 p.m.

Deputy Water Resources Commissioner Scott Miller welcomed the public to the meeting. He mentioned that there were members of the Bridgewater Township Board present that night because they wanted to hear testimony from the public,

Miller stated that this meeting is purely informational, the Office of the Water Resources Commissioner has not done anything official or legal at this point. Miller mentioned that the intention of the meeting was to get feedback from the property owners in the Bridgewater Village Tile Drainage District to see if they were interested in getting work done on the drain.

Miller gave the history of the Bridgewater Village Tile. He stated that the drain has been in the ground for about ninety years at this point.

Miller mentioned that the Office of the Water Resources Commissioner (WCWRC) was petitioned to undertake repairs on the Bridgewater Village Tile in 2001. The Water Resources Commissioner at that time, Janis Bobrin, appointed a Board of Determination, drain inspectors presented testimony on the condition of the drain at that time, and the public also gave testimony to rehabilitate the drain. Miller mentioned that the WCWRC received engineered designed plans to rehabilitate the drain around 2003-2004. Miller mentioned that a branch was added to the drain during that time to address some of the concerns that were found.

Miller then mentioned that at this time is when the sewer project came about. At that time, the township and residents approached the WCWRC and voiced that the sewer project was a costly event, in addition to the cost of the drain repair would be a large burden to residents. It was mentioned that the sewer project took priority over the drain repairs and the project was closed and the drain was not rehabilitated. Miller stated that over the last 10-12 years the drain has continued to deteriorate. Miller mentioned that over the last decade, WCWRC has spent about \$220,000.00 doing spot repairs on the Bridgewater Village Tile. Miller stated that this program has been a reactive approach to issues that form on properties as a result of the drain. Repairs have been done in about 50 foot chunks. Miller mentioned this year, a resident reported a hole in their driveway, WCWRC went out and identified it was the drain, barricaded the area off, poured rock into the hole, and scheduled another emergency repair.

Miller went on to say when getting quotes for this emergency repair, it promoted a discussion of continuing to have emergency repairs on the drain, should the WCWRC undertake a project to renew the drain. Are the property owners comfortable with the current reactive approach, or should the WCWRC come in and renew the drain.

Miller mentioned that the WCWRC is not an agency that acts on what they think the property owners want; WCWRC would do work on the will of the people. Miller mentioned a few solutions that WCWRC have come up with:

1. There are engineering plan sets from the early 2000's. Development has not been very rapid in the area, most of the field conditions that existed back then are the same today, as

well as the soils and groundwater. WCWRC believes to have a working set of engineering plans that would need some modifications based off of the new rainfall data, and maybe a few design changes to use as a template.

2. Miller mentioned that there was another option would be to reexamine the drain and be more selective about where repairs happen. This option would involve WCWRC doing another full investigation on the drain tile. One was completed when WCWRC received the petition in 2001, there is a list of the identified problems from 2001. Miller believes that the condition of the drain from 2001 to now has changed and WCWRC would want to take a fresh look at the drain if people were not in favor of the whole drain needing work.

Miller mentioned that he believed that the WCWRC is at place where the repairs they are doing are frequent and serious enough to believe that the drain is failing throughout most of its length. Miller mentioned an inspector of WCWRC did a downstream walk about 2 months prior to this meeting and identified roughly 15 spots where the drain was visible from the surface, a rod was able to be stuck into the drain where the joints had separated. Miller stated that he believed that WCWRC is looking at a whole scale renew of the drain, but there would be options based of the property owners feelings.

Miller went on to mention the next steps in the process stating that the property owners can petition the WCWRC office, or the township can petition the WCWRC office to undertake a project. Miller mentioned that if that happens there would be another public meeting, the Water Resources Commissioner would appoint three independent properties owners in the county that are not affected by the project, those people would hear testimony from the drain inspector, as well as from the public and the board decides if the project is necessary or not necessary.

Miller stated that if there no petition received, the WCWRC does not have the authority to independently do the project, and moving forward would essentially end. Miller stated that he was interested to hear the thoughts of the property owners.

Audience member asked: When the study was done 15 years ago, where there engineering cost estimates?

Miller responded yes, times have changed little with cost of materials and inflation, but believed that the cost at that time was around \$1.2 million for the project. Miller mentioned that he believed that the cost would be around that scale again, maybe a little greater.

Audience member asked: For the selection repair, what determines that? When someone calls with an issue what is the process of what happens?

Miller responded that currently the selection repairs are being done based off calls that are reported to the WCWRC for issues on the drain. Miller states the service request process of WCWRC: 1. Log the repair 2. Dispatch to field staff to investigate the area and meet with the property owner. 4. The inspector then, based on their professional judgment, will decide what they believe is appropriate.

Audience member then asked: When that decision is made who is that forwarded along to?

Miller responded that the information is kept in the drain file at the WCWRC office, and all documents that are housed are public information.

Audience member then asked: If there was no other property owners or neighbors in the area, then no one else in informed?

Miller responded that is correct, the inspector is making the decision based on the condition of the drain whether it is broken or not functioning in that area, not if it is effecting other people up stream or downstream. Miller mentioned that in some cases, WCWRC goes out and determines that the drain does not belong to them and it could be under the jurisdiction of another agency. Miller mentioned there are other circumstances when it is deemed that there is no problem with the drain, it would be how the yard is graded for example.

Audience member then asked: In terms of hierarchy, does the Road Commission supersede Drain Commission?

Miller responded that he does not agree with that. He stated that the Road Commission and the Office of the Water Resources Commissioner are separate and equal. Rarely, it is unclear who has jurisdiction over areas. Miller then mentioned that if it is under the route and course of the legally established county drain then it belongs to WCWRC. If it is in the road right of way, then it will belong to the Washtenaw County Road Commission (WCRC).

Audience member asked: From your outside studies, what kind of costs have you already incurred from past studies?

Miller responded that he did not know that information currently.

Water Resources Commissioner, Evan Pratt responded that the costs for past studies have already been paid for with the prior project that ended. Pratt mentioned that WCWRC would be able to pull that information up, but it is not available at the meeting based off memory.

Audience member asked: Would the plan be to use the existing engineering plans that had already been paid for?

Pratt responded, yes that would be the goal.

Audience member asked if Miller had an outside contractor cost?

Miller responded no, the process has started with the meeting tonight. Miller stated he was not interested in spending money beforehand.

Audience member asked if a big hole on Austin Road was related to the drain or the road commission. She went on to say there has been a lot of work done there, but nothing seems to get settled.

Miller responded that in that area, the drain and the road commission culvert crossing are within 15 feet of each other and both structures have issues and both entities have roped off their respected areas. Therefore, it would depend on what piece of fencing was being looked at to determine whose jurisdiction it is.

Pratt mentioned the road commission has different ways of funding their road culverts, but the WCWRC is aware that WCWRC is looking at doing repairs in the area and the goal would be to come up with one project that meets all of the needs and how the funding would happen.

Audience member asked if the conversations with WCRC are current.

Pratt responded that the conversations are recent.

Audience member asked if the road commission culvert is failing as well in that area.

Miller responded that the structure that attaches to the road culvert has a sinkhole around it.

Audience member mentioned the driveway that has the sinkhole is in her driveway and her truck fell into the sinkhole.

Audience member asked where does the \$1.5 million come out of for these repairs?

Miller responded that on any legally established county drain, the WCWRC receives no funding from any outside funding source. All costs are born locally. WCWRC uses a formula to calculate the assessment charge. The charge would be spread out similar to the sewer project over a number of years. The townships at large pay a portion, then the road commission pays a portion because there are public roads in the district, and finally the parcels in the district pay a portion.

Miller mentioned that if WCWRC does move forward with the project, once they have the lowest qualified bid from a company to do the work, the WCWRC will be borrow the money then start assessing.

Audience member asked if there was a government grant that could be applied for.

Miller responded that grants exist, but for this type of work it is probably unlikely. Miller mentioned that the type of grants that WCWRC tends to get are more water quality improvement based. Miller believed that it would be a hard connection to make from water quality improvement to a drain that is falling apart. Creatively it might be possible, but based off the WCWRC experience it is not likely.

Audience member asked what is common between failures. Is it because the drain is overloaded and is not big enough, or is because the tile is so old? If the tile is replaced, what is the guarantee that there still won't be failure happening.

Miller responded that as a professional engineer, there are a few spots that would need to be increased in size, but he honestly believes it is because of the age of the tile.

Pratt added in that tile is expected to last about 50-60 years. Tile that has been cracked and filled with dirt can cause blowholes in other areas either upstream or downstream. From what the WCWRC has seen, not only is it the age of the tile, but also the many feet of tile that are full causing back up pressures that are creating blowholes.

Audience member asked how many people are in this drainage district.

Miller responded that off the top of his head about 104 parcels.

Audience member asked how many acres.

Pratt responded that we do not have that information on hand, but have it at the office.

Audience member asked how the special assessment percentage rolls out. Who pays what percentage?

Miller responded that it is set by the Water Resources Commissioner. Generally speaking, all parcels will pay a portion based off of how many acres the parcel is and how the assessor classifies the land use. Agricultural land generally gets a lower assessment value per acre of land in comparison to commercial land.

Audience member asked is there an actual percentage that is assigned to the township. Does the drain commission have anything they contribute? The township gets asked often how this would impact the taxes.

Pratt stated that WCWRC does not receive any tax money. There is no source of funds except they charge back the costs that are incurred. Pratt mentioned that he believed that most of the parcels in this area fall into the 1-4% of the total cost of the project. The township usually pays about 10%.

Pratt mentioned that money that is assess to districts does not sit in a bucket. It is pays for the work that had already been done.

Miller mentioned that WCWRC does have the ability to do sample rolls. What he is hesitate about is if he said \$1.2 million today, down the road if the assessment changed, someone would argue that he said a certain amount today.

Audience member asked if there is a cap that can be spent.

Miller responded currently is a cap of \$5,000 per mile of drain on maintenance without asking anyone per the Michigan Drain Code. In the case of an emergency, for example if someone driveway collapses, we can spend the \$5,000 and do what we can or we can do “emergency spending” and exceed the \$5,000. This happens when the property becomes impaired as a result of the drain. If the Water Resources Commissioner receives a petition and the Board of Determination decides the project is necessary, then the Water Resources Commissioner decides how much will get spent.

Audience member asked the amount that is spent is still coming out of the individual tax payers.

Miller responded that the money would be coming the spilt of tax payers, at large municipalities, and the road commission.

Audience member stated that Miller does not know what the actual cost would be until the project begins.

Miller responded that is correct, he can calculate estimates. He believes that the project would be over a million dollars.

Audience member asked is that for larger tile.

Miller responded that yes, it would be bigger in some areas.

Audience member asked if it would be replaced with the same orange tile.

Miller responded that the drain would be replaced with concrete in some areas. Miller went on to mention that he is not for sure, but in some areas near the upper end where the drain is shallower and not as much of a load happens, it could be double wall plastic tile, road crossings that are deep and that we would not want to dig up again, they would go with more of a concrete.

Audience member asked if the decision would be made by a majority rule vote?

Miller responded that the petition can be kicked off with five signatures within the district, or the township can do it, but all the petition does is have the WCWRC convene a Board of Determination. The Board of Determination is a three person board, and those three people determine if the project moves forward, not the Office of the Water Resources Commissioner.

Audience member asked if the property owners have a say if the project moves forward.

Miller responded the property owners have a say in whether they petition the office and they have a say at the Board of Determination meeting, but the Board of Determination decision is not determined by majority. It is the decision of the three people appointed to the board taking into consideration of the testimony that is made at that meeting.

Pratt mentioned that the role of that board is to determine if there is a material problem that is causing a health, safety or welfare issue. Pratt mentioned that the Michigan Drain Code is often seen as a minority law since it takes a small number of people to initiate a fix to a large area.

Audience member stated that she is a new property owner and was not around for the project in 2001, so now 17 years later if we remove money, what things can happen to properties when the tile is not functioning properly.

Miller responded WCWRC usually sees one of two things, either an actual hole in the ground, or surface flooding happen.

Audience member then asked if the flooding issues would then be affecting foundations. Miller responded depending on where it occurs.

Pratt went on to mention that the law says that if property are affected negatively and not able to be used due to sinkholes in fields or driveways, it is the responsibility of WCWRC to fix them, usually that is done through emergency spending.

Miller mentioned that in this specific case, there was not just a hole in someone's driveway, there was also a several acre lake essentially that had formed from backed up water.

Audience member asked if a petition is received, what type of guarantee is given on the new tile.

Miller responded that it have at least a one year warranty, because that is what the WCWRC gets, but also WCWRC does the design oversight to ensure that it is put into the areas in good working condition. Miller went on to mention that WCWRC will be the project manager if the project moves forward, picking the engineering firm, will provide oversight, go through the competitive bid process for the group doing the work and choose the lowest qualified bidder and then provide construction oversight. Every foot of pipe that is going underground gets fulltime inspection as it's going in the ground.

Pratt mentioned that the office would be looking for a tile that would last about 70-80 years with proper maintenance from our office. Manholes will be added in case something were to happen, our office would be able to isolate the issue and be able to do a spot repair.

Audience member asked if the manholes would be for maintenance.

Pratt responded that they would be for access, monitoring and maintenance. There would also be tight joints added.

Audience member states that the project ends at Kaiser Road and the water goes further than that. There is a 6 foot culvert under Kaiser Road and it is washed out and failing. If the water is moved out the backyards, it will just move downstream and flood other drains with the new velocity of water.

Audience member stated that in 2002-2003, the county paid Spicer Engineering \$120,000 to draw this up plans for the project, would there be a cost to have to pay for new plans?

Miller responded the intent is to not have the plans redrawn. His plan would be to go to Spicer and negotiate a contract with them.

Audience member asked why we would have to pay more money for plans.

Miller responded that there would be a couple questions, the plans added a branch that does not exist currently, and he does not know if there is a will for that right now and could possibly be dropped.

Pratt mentioned that the design standards that are held have changed since those plans were designed. Small adjustments will have to be made.

Audience member stated that he believes that just making the drain an open ditch would cut costs probably in half.

Miller responded that that option would be looked at, but there are some sections near Austin Road that is very deep that it would not be practical to open it up. If it is shallow in some spots that is an option, but then looking at land use is important because Miller does not want to cut someone's field in half that they use for agriculture with an option ditch. But it would be looked at for areas that it would be feasible to do an open channel.

Audience member asked if there is no chance of getting a grant for this.

Miller responded there a non-zero chance, but he is not aware of a real practical way to get a grant for this work.

Pratt mentioned that over the last 20 years, it has been looked at by agencies of how that money would benefit more than just the people living in that area. This type of work generally does not receive grant funding.

Audience member asked the assessments that they property owners have been paying on this drain over the years, does that money go into a fund just to repair this specific drain? Or does the money go into a general fund for the county?

Pratt responded that it goes directly to this drain. The money does not go into a fund, WCWRC spends the money prior to assessing, then the assessments pay back the county for “fronting” the money. Pratt went on to mention that the main reason that we are here tonight is because WCWRC recognizes the spending in the last couple years for band aids.

Audience member asked if there would still be maintenance charges assessed on a new drain.

Pratt mentioned that there would still be assessments charged, but generally it is usually a lot lower than what they have been seeing from emergency repairs on a broken drain. Pratt mentioned that he believed there would be much smaller maintenance bills in the beginning years.

Miller stated that assessments are on your winter tax bills.

Audience member asked, if property owners chose to move forward, what would be the timeframe.

Miller responded the first step is the petition. If the petition was received today, and then we go through the Board of Determination meeting and it is voted yes, he believes that it would be under construction in 2019.

Audience member asked what if we do not petition, we would be sitting here in 18 more months with more issues on the drain?

Miller responded realistically if a petition does not happen, WCWRC will respond when someone calls stating the drain is broken and will continue doing that for a number of years until someone else comes along and says why are we doing this.

Audience member asked, since she didn't live here 20 years ago, was it mainly a financial reason the project did not go through.

Audience member responded yes, because the sewer project was going on at that time too which was very costly.

Audience member asked if there is a due date on the petition at this point.

Miller responded, no it is completely driven by the property owners or the township board if they chose to.

Pratt mentioned that if we were to get a petition within the next couple weeks, WCWRC would scale back the work being done on the south side if we knew for sure we were being asked to do something, we would wait and fold it into a larger scale project.

Miller mentioned that we have emergency repairs that have to happen north of Austin Rd that is affecting the property owner and is getting surface flooding during rain events. South of Austin Rd there are holes that need to be fixed, but in those areas water is still getting through so it's not an immediate concern. Miller stated that if a petition is not coming, we would try and get

both items fixed, but if we know one is coming, we could fold the south side issues into the grand project since there is not an immediate flooding issue there.

Audience member stated that there is a flooding issue on Kaiser Rd that floods often.

Audience member asked if the Township Board would have to hold a meeting for a special assessment district.

Miller responded not if we are petition, then a Board of Determination determines if the project is necessary then no, the township would not have a say. The assessment would be handled by WCWRC.

Pratt mentioned that the Drain Code does allow for a township to pass a petition to allow WCWRC to exceed the \$5000 limit if there is a concern. Some townships are not comfortable with that option and do not get involved unless the property owners initiate a petition.

Audience member asked there is two ways for a petition, one from property owners and the other from the township.

Pratt responded yes, that is correct.

Audience member then asked if the township petitions, then property owners do not have a say.

Pratt responded correct, and it is the same for the township if the property owners petition.

Audience member asked where the added branch was.

Miller responded that he believes it was running north to south east of Kaiser Road.

Audience member asked if the Board of Determination holds a public hearing and if the property owners would have a chance to talk and how many meeting are held.

Miller responded that it would be one meeting, and the board internally votes and listens to the testimony from property owners and the drain inspectors, but the property owners do not vote.

Audience member asked who is on the Board of Determination.

Miller responded that they are appointed by the Water Resources Commissioner.

Pratt mentioned that they are three impartial people that do not live in the townships or the drainage district, but they must own land in Washtenaw County.

Miller mentioned that if the property owners or townships choose to present a petition then we will move forward to the next step. If there no petition, WCWRC will continue to do what we have been and do spot repairs.

Audience member asked if the current driveway sinkhole will be fixed with or without a petition.

Miller responded yes, the plan is to fix from the catch structure all the way to where it turns under Austin Rd and tie it in to that structure at minimum.

Audience member asked what the price difference would be to make the drain an open channel.

Pratt responded that it would turn into a bigger talk with having a place to move the spoil piles, having the appropriate side slopes, at the point where it is 10 feet deep that would be a 40 foot ditch with the side slopes. If someone really wanted to see the cost, we would have to get that drawn for us.

Miller mentioned that it is not all money; he will not put an open ditch in someone's front yard and say this was the cheaper option, or through someone's field.

Audience member asked if he would be able to have the work done privately or does it have to go through the drain commissioner.

Pratt responded that generally private work does not happen on a county drain because there are many hoops to go through and many concerns from liability issues to material use.

Miller concluded that WCWRC will do emergency repair now, absent of petition we will continue to do repair as they get called in. If there is a structure on our drain that is clogged and needs to be clear, call our office and we will send someone out to take care of it. Minutes will be provided to the township for their next monthly meeting and we will do the emergency repairs as planned and thanked everyone for attending the meeting.

Meeting concluded.