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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: QUINCY STREET DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
August 9, 2018, at Jamestown Charter Township, 2380 Riley
Street, Hudsonville, Michigan, held before Marjorie A. Covey,
CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.

- Mr. Bill Cargo, Board Chairman
- Mr. Glenn Nykamp, Board Secretary
- Mr. Ken Souter, Board Member

- Mr. Ken Bergwerff, Supervisor, Jamestown Charter Township

- Mr. Paul L. Forton, Engineer, Spicer Group

1 Hudsonville, Michigan

2 August 9, 2018 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning,
5 everyone. I'm Joe Bush, the Ottawa County Water Resources
6 Commissioner, also known as the Drain Commissioner of Ottawa
7 County. I changed the name when I got elected in 2012 and
8 then in 2013 when I took office, I became the Water Resources
9 Commissioner. By Drain Code, you can do that.

10 This is one part of my job that I do is hold public
11 hearings. So welcome to Jamestown Township for a Board of
12 Determination hearing for a particular drain concern brought
13 to us by residents.

14 Again, I take your time and very much appreciate it
15 because it is in the morning. Some people ask, why don't you
16 have it at night? Well I have the same issues. Whether I
17 have them in the afternoon or at night, people aren't happy
18 with it. So I try to have them in the daytime just because I
19 get it either way, and my night time is usually for board
20 meetings.

21 When you have the whole county and have a thousand
22 county drains, and we all know how busy Ottawa County is, my
23 night times get pretty busy going to other -- I have 16 other
24 townships, six cities and a village. So trying to break that
25 up in scheduling is quite difficult.

1 But I appreciate your time this morning when coming
2 here to listen on why we're here, the process. This is all
3 part of Drain Code. This isn't something that Joe went out
4 and found. I got way too many issues going on for me to go
5 look for them. This one came to me. And this is why we hold
6 a Board of Determination, it's why we hold a public hearing.
7 And it's to get testimony from the people out there who
8 either approve or disapprove of the necessity.

9 This isn't a, what is the project, or a cost of the
10 project. We don't know that yet.

11 The reason we're here is to hold a public hearing
12 for the people who are living in this watershed. I think
13 everybody got a map, and that's an outline of the watershed.
14 The watershed is your water either gets there or you benefit
15 through this particular drain of what we're talking about
16 today. One way or the other. It might not be directly.
17 Your property -- your property might not be on this
18 particular branch or drain, but your water sheds to it and
19 gets there, and you benefit from this water course.

20 This Board that I appoint, all through Drain Code,
21 it's all state law, has no affiliation with any properties in
22 this area or Jamestown Township. So when I appoint people, I
23 have a selection of people that I put to this Board who
24 understand Drain Code, drainage, and possibly assessments and
25 how the process works of my job and why we're here today.

1 These folks have a great understanding of why they're here.

2 And when they hear your testimony of in favor of or
3 don't have a problem or do have a problem, it's their
4 decision as a Board to make that call on the necessity and
5 move forward, Joe, with your engineering firm on trying to
6 come up with a solution.

7 We don't have the solution today because we haven't
8 even held the public hearing yet. That's why we're here. We
9 don't have the cost.

10 Everybody goes, what's the cost of this? We don't
11 even know yet only because we haven't spent \$20,000 in
12 engineering to figure out the cost when we haven't had this.
13 This is the first step -- well the first step is the
14 petition.

15 So let me back up a little bit. We received a
16 request, it was a couple months ago that the Township Board
17 invited me to come to a Board meeting on Monday night and the
18 particular supervisor, Ken Bergwerff asked me, hey, can you
19 come to the Board meeting and explain the process on a
20 petition. We have people with concerns over on Quincy
21 Street.

22 And I said, sure, I'd be more than happy to do
23 that. I do that all the time.

24 So I came to the Board meeting and that night the
25 Board declined the petition. Said, no, we don't want to see

1 it move forward.

2 That's not up to me, that's not my decision, it was
3 a Board decision, and that's fine. That's why you have a
4 Board.

5 So these particular property owners called me and
6 said, what's our next step? We need to get a solution.
7 There is two options for the petition, the township can
8 petition or the property owners.

9 We got the petition back signed by the property
10 owners and that's why we're here today again. So this is my
11 second round on this Quincy Street Drain public hearing.

12 The other thing that we don't have nailed down yet
13 is how big of a scope of a project. We don't know that
14 either yet. But that will be soon -- when we figure out if
15 this Board today determines, yep, there is a necessity and a
16 need to move forward with a drain project, down the road we
17 can give that information, possibly hold another meeting,
18 which is not required but I would try to keep people informed
19 on the next steps.

20 Once I give the oath to these three gentlemen, I'm
21 out of it. Unless you guys have questions, and then they
22 will ask me or the Board -- I mean you guys can ask the Board
23 to ask me questions.

24 I'm neutral in this. I'm not 'in favor of' or 'not
25 in favor of' because I am an elected official and the drain

1 commissioner. That's why Drain Code says appoint three
2 people, go through the process, and make it legit, right?

3 It's not just, hey, Joe wants this. I've heard
4 rumors that I'm big government and county wants to rule
5 everything. I didn't go out and look for this problem. It
6 came to me. This is my job as an elected official.

7 This is just one of my water resources duties, this
8 is just a small part of it, but it's important because people
9 have problems.

10 So I'll go ahead and do introductions and then --
11 everything is court recorded. So if you ever want to find
12 out what did Joe say or what did the people say or what did
13 this Board say, Margie here is my court recorder. Since I
14 got elected, it's not required by Drain Code or state law,
15 but I do it because it's came back to me. And it's important
16 that everything is court recorded so if there is a lawsuit
17 down the road, I have it all on record of what I said or what
18 she -- not her, but anybody in the audience or the Board or
19 the engineer too.

20 So Margie has been to everyone or almost all of my
21 BOD's. And you can find those on my website in about four to
22 six weeks. Or if you need a hard copy, you don't have access
23 to an internet or a computer, you're more than welcome to
24 call me. And my secretary, Jen, who is in the back that
25 signed you in, will get you a hard copy and mail it to you if

1 you need a copy of the minutes of the Board of Determination.

2 So right now I'll do introductions. On my right is
3 Ken Souter, he worked at the road commission, he's retired
4 from there. He worked there almost forty years. Ken, you
5 know, drainage, right? That's why he's here, he was an
6 engineer for the road commission for many, many, like I said
7 almost 40 years. And he knows drainage, Drain Code, and he
8 knows what this job details as far as the importance of it.

9 Then we have in the center Bill Cargo, he's Grand
10 Haven Township Manager. He's been on many BODs. He's the
11 chair, and he's also, because people in the middle usually
12 get that position, but they'll vote on that. But Bill has
13 been doing this for a long time. And again he understands
14 Drain Code and drainage.

15 And then we have Glenn Nykamp, Zeeland Township
16 Supervisor, and he's been on many of these as well. And
17 again, he's got a lot of drainage expertise and drain law,
18 Drain Code. And also he knows the importance of my job.

19 Margie is the court recorder.

20 Then we have Paul Forton. He's from Spicer
21 Engineering Group. They're out of the Byron Center area.
22 They have, what do you got now, seven offices state wide?

23 ENGINEER PAUL FORTON: Across the state.

24 WATER RESOURCES COMM. JOE BUSH: And one in Georgia
25 now.

1 ENGINEER PAUL FORTON: And also in Atlanta.

2 WATER RESOURCES COMM. JOE BUSH: So they're more or
3 less a drainage engineer firm. They work for multiple drain
4 commissioners or water resources commissioners, drain
5 commissioners, across the state.

6 And then we have Jen. Again, she's my secretary.
7 So if you ever call my office, usually you will get her or my
8 other -- my drain clerk on the phone.

9 If you ever go to MIOttawa.org and then look under
10 departments, you'll find me. And then if you go under Water
11 Resources Commissioner's department, you will find all the
12 minutes, all the notices, everything I've mailed out to
13 property owners since I've been elected.

14 I think it's very importance to be transparent, and
15 if you ever want to know something about me, everything is on
16 my website. And I'm more than happy to take phone calls and
17 come out and do visits. I do that a lot. I'm happy to do
18 that.

19 Again, I'll give these gentlemen the oath. And
20 once they get the oath, they'll be running the meeting,
21 they'll decide who the chair and the secretary is. And
22 they'll be -- when they ask to give public testimony, state
23 your name, address, clearly and loudly so Margie can hear it
24 and so she can get it on the minutes for the documentation.

25 And then I'm trying to think if there is anything

1 else.

2 There has been a lot of concern in this area for
3 awhile and it's been brought to the township supervisor, Ken,
4 in the past, and to the Board I think a few times. With
5 Jamestown and its growth, there is just a lot of things that
6 are happening with that. A lot of times it's water.

7 This is a natural kind of a watercourse that goes
8 into the Buttermilk Creek, I can tell you that. And there is
9 a lot of downed trees, erosion, and flooding concerns. And
10 that's usually not a good thing.

11 So that's why -- those are some of the issues.
12 I'll let the rest of the people in the audience talk about it
13 in further detail, but I know that's what's been brought to
14 my attention.

15 And again, that's another reason why we're here.
16 So again I really appreciate your time this morning because I
17 know how important it is to leave work and do something and
18 to take the time. I just appreciate it a lot. So thank you.

19 Gentlemen, please rise, raise your right hand.

20 Do each of you solemnly swear to faithfully perform
21 and discharge the duties imposed upon you as members of the
22 Board of Determination appointed by the Water Resources
23 Commissioner of Ottawa County, to determine the necessity of
24 drainage improvements in a certain drain to be known and
25 designated as the Quincy Street Drain, in the Township of

1 Jamestown, in said county, as required by law? Gentlemen,
2 what do you say?

3 BOARD MEMBER BILL CARGO: I shall.

4 BOARD MEMBER GLENN NYKAMP: Yes.

5 BOARD MEMBER KEN SOUTER: I will.

6 WATER RESOURCES COMM. JOE BUSH: Thank you.

7 BOARD MEMBER BILL CARGO: Are the mics on? Can
8 people hear? I just wanted to check that.

9 First thing we'll do is have an election of a
10 chairperson and secretary.

11 Do I have a motion to elect a chairperson?

12 BOARD MEMBER KEN SOUTER: I'll make a motion to
13 elect Bill Cargo as chair.

14 BOARD MEMBER BILL CARGO: Is there support?

15 BOARD MEMBER GLENN NYKAMP: Support.

16 BOARD MEMBER BILL CARGO: We have a motion and
17 support to elect myself, Bill Cargo as chairperson.

18 All in favor, say aye.

19 BOARD MEMBER KEN SOUTER: Aye.

20 BOARD MEMBER BILL CARGO: Aye.

21 BOARD MEMBER GLENN NYKAMP: Aye.

22 BOARD CHAIRPERSON BILL CARGO: All opposed?

23 So we're done with that.

24 Also I'll make a motion for Glenn Nykamp to be the
25 secretary for this Board of Determination. Do I have

1 support?

2 BOARD MEMBER KEN SOUTER: I'll support that.

3 BOARD CHAIRPERSON BILL CARGO: We have a motion in
4 support.

5 All in favor of electing Glenn as a secretary, say
6 aye.

7 BOARD MEMBER KEN SOUTER: Aye.

8 BOARD CHAIRPERSON BILL CARGO: Aye.

9 BOARD MEMBER GLENN NYKAMP: Aye.

10 BOARD CHAIRPERSON BILL CARGO: And there is no
11 opposition.

12 That said, I want to talk briefly about the public
13 rules. We're going to put a motion on the floor to limit
14 public comments to three minutes. It doesn't affect
15 questions and so forth. But you can summarize War and Peace
16 in three minutes, so we hope that people can summarize their
17 concerns. And again, if there are questions, that won't be
18 part of this three-minute limit. We will answer questions as
19 they arise.

20 So do I have a motion to limit public comments to
21 three minutes per person?

22 BOARD SECRETARY GLENN NYKAMP: So moved.

23 BOARD MEMBER KEN SOUTER: Support.

24 BOARD CHAIRPERSON BILL CARGO: I have motion on the
25 floor with support.

1 All in favor, say aye.

2 BOARD MEMBER KEN SOUTER: Aye.

3 BOARD CHAIRPERSON BILL CARGO: Aye.

4 BOARD SECRETARY GLENN NYKAMP: Aye.

5 BOARD CHAIRPERSON BILL CARGO: And so we will limit
6 public comments to three minutes.

7 The other thing I'm going to do is I'm just going
8 to go up and down the rows. I'll point because I don't know
9 people's names here. And hopefully come up to the mic, and
10 give your name and your address before you give your public
11 comment. And again, that will be recorded. We just need
12 that for the record.

13 So first of all I'm going to ask for Township
14 comments, is there anybody from Jamestown Township that would
15 like to make comments? Please just come on up to the mic,
16 I'd appreciate that.

17 JAMESTOWN CHARTER TOWNSHIP SUPERVISOR KEN
18 BERGWERFF: As you mentioned we have had members of the
19 public who live --

20 BOARD CHAIRPERSON BILL CARGO: We know who you are,
21 but just to make sure --

22 JAMESTOWN CHARTER TOWNSHIP SUPERVISOR KEN
23 BERGWERFF: Ken Bergwerff, Jamestown Charter Township
24 Supervisor.

25 We have members of the public who live in this area

1 whose properties are being adversely affected by it and they
2 have requested relief from that. So that's why you're here.

3 BOARD CHAIRPERSON BILL CARGO: Okay.

4 JAMESTOWN CHARTER TOWNSHIP SUPERVISOR KEN

5 BERGWERFF: Thank you.

6 BOARD CHAIRPERSON BILL CARGO: The next thing we're
7 going to do is I'm going to ask for the engineer, Paul Forton
8 from Spicer Group to give a presentation. I understand it
9 will be a PowerPoint that will be up on the screen.

10 And if you'll help us to describe, because we can't
11 see the screen, so if you can describe what page you're on
12 and what's on the page just so we can flip and follow, I
13 would appreciate that.

14 ENGINEER PAUL FORTON: As Joe mentioned before, my
15 name is Paul Forton with Spicer Group. I know some of you
16 were at the township meeting that was held several weeks ago
17 now; and for those that did attend that meeting, my apologies
18 as it's the exact same presentation with a different date and
19 called Board of Determination instead of a Township Summary.

20 So if you were at that particular presentation,
21 you've seen this information before. Bear with me as I lay
22 that out for the Board.

23 I am very informal, but I'd like to receive
24 questions, you guys make ask questions at any time.

25 If folks have questions for me, that really needs

1 to go through the Board as a part of the formal process. By
2 I am available also afterwards if there is comment, we'll be
3 here.

4 So going through the outline on page two, we're
5 going to discuss a little bit about the location of the
6 drain, if you're not familiar with where it's located, talk a
7 little bit about the background and the history and how we
8 got here.

9 There has been a lot of questions about the
10 drainage district boundary, how do we determine what the
11 watershed is and that sort of thing. So we'll tap into that
12 information a little bit. The handout that many of you folks
13 have is a slide that's on the, or in the presentation here.
14 That yellow line is an approximate watershed boundary that we
15 would look to use. So we'll talk about how we got to that
16 particular line.

17 I have some photos of the general condition of the
18 drain itself, so that the Board can see what it looks like
19 today. And then we'll talk about why we're here, pros, cons
20 and what not for establishing a county drain. And then I'll
21 take any questions that the Board has at that time.

22 Moving on to slide three, the location of this
23 particular drain, if you're not familiar with it, it's the
24 natural watercourse. If you proceed west down Quincy Street
25 from 32nd Avenue, the natural watercourse crosses just west

1 of there. It flows in a northerly direction, and it outlets
2 into Buttermilk Creek as Joe mentioned before.

3 If you're familiar with the sports water park,
4 you'll see a photo here in a minute so you can kind of figure
5 out where you are. It's on the south side of 196. This
6 particular watercourse goes right by this on its way north to
7 Buttermilk Creek.

8 A little bit about some background information,
9 looking at slide four now, this is primarily an open drain
10 system meaning it functions today much like a natural creek
11 would. That being said, there are some particular areas
12 within the developments that are storm sewer. It remains to
13 be seen what will be designated as a branch or what will be
14 not designated as a branch, where will the main centerline
15 go. These are all questions that will be determined later if
16 the project is found necessary.

17 The watershed itself is a little over a thousand
18 acres. So we're looking at about 1.7 square miles. Most of
19 that area is agricultural ground. Obviously there is a few
20 homes in the area, and an increasingly -- increasing amount
21 of development that's also taking place within this
22 particular watershed.

23 Again, we are here today to discuss an application
24 to establish a new drain. This is a little unique from the
25 other drains that Joe has in his county. Being a brand new

1 drain, we do not have easements yet. There is not an
2 established route and course yet. Again, that needs to be
3 determined. But basically this process does start with
4 identifying the area that is drained by this particular
5 watercourse.

6 BOARD CHAIRPERSON BILL CARGO: Could I ask just a
7 follow-up question?

8 ENGINEER PAUL FORTON: Yes.

9 BOARD CHAIRPERSON BILL CARGO: From what I
10 understand this is not an established drain. Is it unusual
11 to have a watershed of this size in a community like this
12 that's not part of a drain system?

13 ENGINEER PAUL FORTON: Well that's an interesting
14 question. So very often, especially with increasing
15 development, you do see natural watercourses like this be
16 petitioned to become county drains. And I'll speak to that a
17 little bit later.

18 Unusual? Yes and no. Not necessarily. There are
19 natural watercourses all over that aren't necessarily county
20 drains. It tends to be when there are issues identified on
21 that particular drain that somebody would like to have a
22 public entity have jurisdiction over that to take care of
23 that.

24 BOARD CHAIRPERSON BILL CARGO: Unless it's part --
25 as a follow-up question, if it's not part of the county drain

1 system, is it legal to spend public monies on private
2 property to deal with erosion or drainage issues?

3 ENGINEER PAUL FORTON: There are special
4 circumstances that allow for that. But generally speaking,
5 no.

6 BOARD CHAIRPERSON BILL CARGO: Okay.

7 ENGINEER PAUL FORTON: Generally speaking, no. And
8 it's difficult to for private landowners. Many times -- let
9 me take two steps back. So the Water Resources Commissioner,
10 or the drain commissioners across the state, those folks have
11 exemptions with DEQ, DEQ being the Department of
12 Environmental Quality.

13 And so if it's a designated county drain, Joe Bush
14 can go in with crews and do maintenance on that and be exempt
15 from needing a DEQ permit. Versus myself, if I want to work
16 on the county drain behind my house, I can't go back there
17 and excavate or dig without a permit.

18 Which I know that frustrates a lot of folks. I
19 hear this all of the time. I've owned this property longer
20 than you've been alive, boy, and you're telling me I need a
21 permit from the state to do X, Y and Z? Yes, sir, that's the
22 case. I don't like it as much as you do, but I have to be
23 the bearer of bad news, you know.

24 So the advantage, to go to the point of your
25 question, the advantage of having it under the jurisdiction

1 of somebody is that they can maintain it. From the Water
2 Resources Commissioner's perspective a lot of times you can
3 do that without a DEQ permit, which does simplify things.
4 The relationship they have with DEQ there is certain things
5 they can do that private landowners can't.

6 BOARD CHAIRPERSON BILL CARGO: And also another
7 follow-up question, if this is a drainage district and if
8 there ever was an assessment put for some improvement,
9 wouldn't typically the township and the county be
10 automatically assessed a portion of that?

11 ENGINEER PAUL FORTON: That's an excellent
12 question. And the answer to that actually depends on your
13 motions later on.

14 And so the first motion is whether it's necessary
15 or not to establish it. But then also what's decided today
16 is whether the municipalities at large also have a derived
17 benefit from the establishment of this drain.

18 Many times, due to increased tax value or fixing
19 issues, boards do tend to decide that it is necessary for
20 public health and welfare. Generally speaking the county at
21 large will receive a benefit for benefit to county roads.
22 Obviously we have roadways in this area, and if you were on
23 the road commission or worked for the road commission before,
24 they have water that runs off into this watershed as well.

25 Many times folks say, well, they're all pavement, I

1 have a farm, they should be paying more per acre. And there
2 is a law and a way that we calculate that. It's called the
3 14a calculations. So we take into account pavement, runoff,
4 versus the rest of the watershed and that sort of thing and
5 prorate a share.

6 We do have 196 in this area, so MDOT would also
7 potentially be included as an at-large, or what we would call
8 an at-large assessment. And then certainly the township
9 would round that out.

10 BOARD CHAIRPERSON BILL CARGO: Thank you.

11 ENGINEER PAUL FORTON: So again, going back now to
12 slide number five. It starts with identifying a watershed
13 boundary or an overall area. And when we do this, then this
14 is a particular handout that you have with the aerial in the
15 yellow line. This is the approximate boundary that we've
16 determined thus far. And again I know Joe has received
17 several questions on how do we do this? And in general, the
18 boundary itself on the north, you've got 196'ish. On the
19 west side, we don't go all the way to 48th but we get close
20 to 48th Avenue. On the east side we're bordered
21 approximately by 32nd Avenue, and then you got Riley Street
22 to the south. So that kind of brackets the approximate area
23 that we've determined flows through this watercourse to the
24 north.

25 When we determined these boundaries, going to slide

1 six, the first thing we look at is adjacent drainage district
2 boundaries.

3 In this particular instance we have the Pinnacle
4 Drain to the east. The reason we do that is if you live on
5 the edge of the boundary and some of your water drains to the
6 west and some of it drains to the east. If you have an
7 80-acre farm and 60 goes one way and 20 goes the other, we
8 don't like to see overlaps or gaps.

9 Historically when drains were established 100 some
10 years ago, they did what's called aliquot parts. It was a
11 sectional callout based on land ownership.

12 Well if a drain was established in 1890, and then a
13 second drain was established next door, many times what we
14 found is there is overlap and that 80-acre farm could have 60
15 acres in one and 60 acres in the other. And that's a
16 problem. If I only own 80 acres and I'm getting assessed for
17 120, we've got an issue.

18 So today we do things a lot different. We use the
19 modern data that we have today. And you can start to see
20 some of that on slide seven. We have LiDAR data now. If
21 you've ever been in a boat with a depth finder, it's very
22 similar to that.

23 An airplane flies over the county, shoots a beam
24 down. That beam comes back to the airplane and it calculates
25 the distance. And it allows us to take all those elevation

1 points to make a model basically of the earth's surface. And
2 then we can generate these contours.

3 Now looking at this particular map, it's kind of
4 hard to see what's going on. If you've looked at contour
5 maps before, you can start to see some of the ravines and get
6 an idea of the pattern of the flow that when the rain comes,
7 where that water goes.

8 What we like to do is we'll take that in the office
9 and colorize it, we throw a color pattern to it. And when we
10 do that, looking at slide eight now, it kind of helps pop the
11 elevations off the page.

12 For example, what we're looking for is the ridge
13 line, the continental divide that isolates this watershed.
14 And basically that's the red elevations that you can see on
15 the southern line. If you were to drive out on 32nd Avenue
16 toward West Riley Street, and you're heading south, you're
17 going to be going up a hill, and eventually you're going to
18 pitch and drop. That point, the peak of that hill, is right
19 where this line crosses 32nd Avenue.

20 So, you know, we look for that all the way around
21 the watershed to determine where this boundary is.

22 So in this particular instance, the red colors are
23 higher elevations. And that water flows through the rainbow
24 per se through the oranges, through the yellows. You can
25 really see the valleys now popping with those yellow colors,

1 before it outlets into the green and then proceeds to the
2 north.

3 This particular drain, the point of beginning where
4 we would start this drain, the downstream most point, starts
5 right at the end of Buttermilk Creek. And so that's at least
6 what we're proposing now. And again, that's right behind the
7 water sports park.

8 So getting into some of the photos, where there is
9 an existing embankment there behind the water park, with that
10 first photo, you can see this is where they're running the
11 skiers and wake boards and what not. So if you're -- again,
12 if you're travelling eastbound on 196 and you look to your
13 right, you may have noticed that this pond is there. There
14 is a slight berm there and a channel that goes through that
15 with a culvert that goes through the berm. That is where
16 we're proposing for the, again, the point of beginning to be,
17 the end of the Buttermilk Creek drain and the beginning of
18 what we would propose as the Quincy Street Drain.

19 This particular stretch, moving to the next photo,
20 this lower end especially has a fair amount of bank erosion.
21 You can see on the photo kind of in the left, top middle
22 there are a lot of areas in the particular watercourse that
23 have eroded banks.

24 Some of these eroded banks, for example, the water
25 park, their outlet, they've got a concrete spillway apron

1 where excess water can spill out. Some of that bank erosion
2 is getting very close to that spillway, to the point of
3 undermining some of the riprap that they've placed there
4 historically to keep that safe.

5 That bank erosion, moving to the next slide, can
6 cause a lot of woody debris to develop, when a bank blows out
7 and a tree is growing on it that falls into the stream and
8 the watercourse. A big challenge that we have all across the
9 state, not just in Ottawa County is the ash trees. With the
10 emerald ash borer, we've lost a tremendous amount of trees.
11 Any time those are along this corridor, and they drop into a
12 stream, they can be a problem.

13 Being a fisherman, some wood in a river is a good
14 thing for habitat and things like that. But moving to the
15 next slide, which would be slide twelve, sometimes wood can
16 pose a problem.

17 When that tree falls into the drain and it blocks
18 it off, now that flow, instead of staying in its natural
19 watercourse, it blows out to one side taking out a bank with
20 it. When that happens all of that sediment or all of that
21 material that's washed away goes somewhere. Well where does
22 it go? Downstream.

23 Many times that causes problems, whether it be in a
24 receiving lake, in the drain itself, that erosion, that
25 sediment can plug culverts, which causes issues with roadways

1 and other things.

2 So moving through, this is a slide of -- a slide or
3 a picture of a home. And this is the home right where the
4 drain crosses Quincy Street. This home is on the south side
5 of Quincy Street just east of the drain. And so it is on the
6 upstream side of a road culvert.

7 And you can see in the first photo, and there will
8 be a second one here in a minute, that there is some flooding
9 water that they have on their parcel adjacent to their house.

10 And I've done this for a lot of years, and so I
11 know a lot of times I'll receive public comment, well I
12 bought my house at the top of the hill. I don't have any
13 issues. And then somebody like this, I met them in the field
14 the day this photo was taken on February 20th, late this
15 winter. And if you remember February 20th, 18th, 19th, 20th,
16 we had a decent amount of snow, maybe 12 to 14 inches that
17 melted off, and then we got a rain on top of it. Pretty much
18 a worst case scenario when it comes to drainage.

19 UNKNOWN SPEAKER: What house is that?

20 ENGINEER PAUL FORTON: It's the upstream side of
21 Quincy Street. I don't know the address off the top of my
22 head unfortunately. But it's just east of the drain on the
23 south side of the road.

24 UNKNOWN SPEAKER: Okay.

25 ENGINEER PAUL FORTON: And I believe the circulator

1 of the petition lives here.

2 So knowing that this was an issue I came out and
3 snapped some photos just to get an idea of what they were
4 dealing with.

5 The next photo you have here is a photo taken
6 straight out the back and you can see where the mowed grass
7 goes out into the flood plain. And there is a significant
8 amount of water obviously standing there.

9 I don't know. Are you here, by chance, the owner
10 of this home (indicating)?

11 Perfect. I will let you speak to your history
12 there and what it's been for you. I know that you and I have
13 spoke, but I would encourage you during public comment to
14 voice your opinion so that the Board knows. You live there,
15 I don't. So they know what your situation has been.

16 And again, you and I have discussed that, but I'll
17 leave that for you to share.

18 So again when we have erosion, culverts can get
19 plugged with sediment. When we have that woody debris, water
20 can't efficiently move through the system; and not only
21 efficiently, but also in a stabilized manner. When we see
22 this much erosion it can really cause issues for downstream
23 landowners as well. With the blockages, with the debris,
24 that only exacerbates the problem.

25 So much like Joe, honestly guys, I don't care

1 whether it's found necessary or not. Some folks say, well
2 you're an engineer, you want it to go. I'm just presenting
3 information for you guys to make a decision.

4 There are ash trees dropping all over the state and
5 we're fine, I've got plenty of work.

6 Make your decision based on the public comment and
7 what you see here.

8 I did a Board of Determination last night and there
9 were sections of the drain that had woody debris like this
10 and other sections that were fine.

11 In my experience -- and I didn't travel the whole
12 corridor. I didn't go up every branch; number one, it's not
13 established, so I stayed close to road right-of-ways and
14 stayed off of folks' private property. But number two, to my
15 knowledge, there aren't any clean areas per se on this. From
16 everything that I saw, there was woody debris.

17 Having said that, again I would encourage
18 everybody, if you own property on the drain, I would love to
19 hear what the condition is in your area because I haven't
20 been able to walk all of this.

21 If there is problems that are here, if it's found
22 necessary, if we don't know about it, we can't fix it.

23 And if there is not problems, then say that. I
24 owned the property for 30 years and never had an issue. All
25 of those comments help the Board in making an educated

1 decision. So again, I would just encourage you to do that
2 when the time comes.

3 So moving on to slide fifteen, why establish a
4 county drain, we touched on this a little bit earlier but it
5 provides for a means to maintain the system.

6 In an area like this when you have blown-out banks,
7 ideally we've pulled those banks back. So instead of being
8 vertical -- that stream is trying to heal itself is what it's
9 doing with the flow rate it's receiving. So if we can lay
10 that bank back, get grass growth, vegetation growing, more
11 adequately serve the flow rates that are coming through
12 there, much like maintaining a road, it's nice to be able to
13 maintain some of these natural watercourses.

14 And in effect it will protect the natural water
15 resources that are there. You got less erosion which takes
16 away from farm grounds. You've got businesses now in this
17 area that obviously have interests. Homeowners that worry
18 about flooding and so on and so forth. And safety concerns
19 too when you've got vertical banks like this.

20 So you can alleviate and control some of this
21 erosion. You can reduce the sediment that is going
22 downstream. And you can address flooding concerns and
23 protect the landowners' interests.

24 Now that being said, those are a lot of positive
25 things on why to establish a drain.

1 Some of the negatives, the county does not have a
2 pot of money to pay for projects like this. The way they are
3 paid for is through, again, this watershed boundary or the
4 assessment district.

5 And that, a lot of times, depends on factors that
6 would include acreage. If I own one acre, and somebody else
7 has an 80-acre farm, well there is more service to the 80
8 acres than my one. To contrast that though, if I own an acre
9 and I have a house and a pole barn and a driveway, I have
10 more runoff than that farm does because they have corn
11 planted there. There is less runoff from a cornfield than a
12 developed property.

13 So is it commercial? Is it developed? Does it
14 have a large roof, a large parking lot? Those are all
15 factors that are taken into account. And that's the Water
16 Resources Commissioner's place is to define scope and cost if
17 the project is found necessary.

18 Again, that's many times the taxpayer's dollars,
19 and that would go to the folks that live within the
20 watershed. I got a kid in diapers, I don't want to pay
21 another \$20. I get it. I'm in a drainage district too. As
22 a matter of fact I'm in at least two of them because my
23 county drain drops into an inner-county drain. So if they
24 work on either one of those, I get potentially taxed on both.
25 So that's how you can potentially end up in two watersheds.

1 So are there pros, yes; are there cons, yes.

2 And if you guys have any questions at this point,
3 there is a lot of things I haven't touched on, but feel free
4 to ask.

5 BOARD MEMBER KEN SOUTER: I'm from Port Sheldon
6 Township so I don't get over here very much since I retired
7 from the road commission. And I came down 32nd Street and I
8 happened to see there has been a lot of development since I
9 retired.

10 ENGINEER PAUL FORTON: Lots.

11 BOARD SECRETARY GLENN NYKAMP: In that development
12 area is there underground storm systems that drain to this
13 drainage course, or haven't you gone into that far enough
14 to --

15 ENGINEER PAUL FORTON: I know that there are some.
16 There are certainly some that do drain into this system.
17 Many folks know about the new Meijer that was recently put
18 up. The majority of that water, if I'm not mistaken,
19 actually goes east into Quincy Street. But there are other
20 developments west of Meijer that do feed into this system.
21 And they are following the requirements, at least at the time
22 when they were developed, they do follow the requirements of
23 the Water Resources Commissioner's office for storage,
24 on-site storage and different things like that.

25 But that would be an opportunity to potentially

1 takeover some of those storm sewer systems.

2 BOARD MEMBER KEN SOUTER: That's what I was getting
3 at.

4 ENGINEER PAUL FORTON: I knew that's where you were
5 going. Because many times what will happen is a storm sewer
6 will be put up a road; well who has jurisdiction over that
7 storm sewer? Is it the road commission? Well now it's a
8 public road, it's not the developer that put it in.

9 And you start having some of those conversations
10 and it makes it very difficult because does the township take
11 care of that complaint? Is it -- everybody starts finger
12 pointing and Joe says, well I can't touch it because I don't
13 even have an easement over it. And everybody is trying to
14 figure out how to fix a sink hole in a pipe.

15 BOARD MEMBER KEN SOUTER: We've been involved with
16 Joe with a lot of orphan drains where you have a drain out
17 there, nobody has real jurisdiction over it.

18 ENGINEER PAUL FORTON: Correct.

19 BOARD SECRETARY GLENN NYKAMP: That would be
20 actually looking at that and this incorporates those too.

21 ENGINEER PAUL FORTON: Yes. This would be the
22 opportunity to incorporate those.

23 And we're seeing a lot of these in Hudsonville,
24 there are several of these orphan drains that everybody kind
25 of looks at each other and says, boy, what do we do about

1 this?

2 And yet you got folks that are asking for help that
3 need help and can't do the amount of work that might need to
4 be done on their own.

5 And then also they're limited by, okay, I own this
6 five acres, I can't control the 30-acre development over here
7 or the five acres downstream. At least -- and the nice thing
8 about a watershed or an approach like this is you can have
9 jurisdiction over all of those items, at least where you have
10 an easement.

11 Yes?

12 BOARD SECRETARY GLENN NYKAMP: Is there anything
13 coming from the north, or under, I should say, I-196, or is
14 that a border that can't be reached?

15 ENGINEER PAUL FORTON: Excellent question. So
16 there is no water from north of 196 that's coming back toward
17 this system.

18 BOARD SECRETARY GLENN NYKAMP: Okay.

19 ENGINEER PAUL FORTON: This entire system is
20 actually pushing through a culvert which is under the
21 jurisdiction of Buttermilk Creek Drain to the north. So all
22 of the water from this system goes north.

23 There might be a few portions of MDOT's
24 right-of-way that drain into this. But I think, and I could
25 be wrong, I don't think they do have water into this system.

1 Many times what MDOT will do, and you'll see this
2 along the highways, they dig ditches, and any of the water in
3 the ditches that drain to this point are going to go in drain
4 stream of where this drain would start. So I don't believe
5 that MDOT is going to have a large 14a percentage, and maybe
6 not one at all for this.

7 UNKNOWN SPEAKER: It all goes into the Pinnacle
8 Center.

9 ENGINEER PAUL FORTON: Or it dumps into Buttermilk
10 Creek downstream of where we're going to establish this
11 potentially.

12 Any other questions from the Board at this time?

13 BOARD CHAIRPERSON BILL CARGO: I don't think we
14 have any.

15 We'll begin to take some public testimony, open
16 public comment.

17 And again, I'd just remind everybody, please state
18 your name and address, and if you have property in the
19 district, please let us know the size, the approximate area.

20 So I'm going to start with the first row, the
21 gentleman in the short blue -- no, first row on this side.
22 Right there, with the goatee, yep.

23 MR. STEVEN BORN: My name is Steve Born, 3865 40th.
24 I do have property on the drain, and I do have massive
25 flooding every time we do have a heavy downpour. My -- the

1 drain pretty much splits my property in half, and the lower
2 area is extremely flooded in that area. And the drain
3 definitely does need to be cleaned out.

4 BOARD CHAIRPERSON BILL CARGO: Okay.

5 BOARD SECRETARY GLENN NYKAMP: Are you between
6 Quincy and Riley on 40th?

7 MR. STEVEN BORN: I'm on Quincy and 40th.

8 BOARD MEMBER KEN SOUTER: Right on the corner of
9 Quincy and 40th?

10 MR. STEVEN BORN: I'm on 40th.

11 BOARD SECRETARY GLENN NYKAMP: Okay, thank you.

12 BOARD CHAIRPERSON BILL CARGO: Next?

13 MS. ROSEMARY WEBER: Rosemary Weber, 3894 40th
14 Avenue.

15 I am the only house that sits between Riley and
16 Quincy on the east side of the road. I do sit on an
17 elevation, I've been there for 52 years. I have observed how
18 the various developments have affected the rain drain off
19 into the area because on one side of me there is a big
20 valley, and on the other side we have what I would consider a
21 wetland.

22 My question and my concern is, will this affect the
23 wetlands? And will the DEQ allow it to affect the wetlands?

24 We have turtles there, we have fox, we have otters
25 -- I don't know if we have otters. But we have a lot of

1 frogs and things that are natural to that, and we also have
2 wild animals that go there for nesting, etcetera, etcetera.
3 Turkeys --

4 BOARD CHAIRPERSON BILL CARGO: We can answer that
5 question for you because I believe there are protections that
6 have to be maintained for the existing and identified
7 wetlands.

8 And I'm going to turn this over to Paul from
9 Spicer.

10 Do they have to get an M-DEQ permit, and are the
11 wetlands protected through any projects?

12 ENGINEER PAUL FORTON: Yes. So a couple things;
13 one, I mentioned there are exemptions that the drain office
14 or Water Resources Commissioner's office has to work on
15 these, that does not apply to brand new drains.

16 And so if this is established as a county drain, we
17 will be required to submit for a DEQ permit for all work that
18 we do.

19 So the DEQ, again the Department of Environmental
20 Quality will have to review any proposed design that we have
21 for this particular system whatever that looks like.

22 And in that we do look at wetland areas, and DEQ
23 certainly will, to ensure that they're not negatively
24 impacted.

25 BOARD CHAIRPERSON BILL CARGO: Don't they normally

1 try to enhance the wetlands because enhancing the wetlands
2 helps to protect and slow down the flow of storm water?

3 ENGINEER PAUL FORTON: Ideally, yes. And I don't
4 know if everybody caught that, but do you try to protect
5 them? In certain instances where we can, yes, because that
6 provides for extra storm water storage, treatment, all of the
7 good things that a wetland does, you try to augment that and
8 utilize that for the betterment of the drain.

9 Which is, it's been a change over the last 20
10 years, I would say, in the drain world, and a good change.
11 Where you can actually implement utilizing wetlands and
12 provide for a cheaper project based on the storage that's
13 provided.

14 MS. ROSEMARY WEBER: I have watched the drainage in
15 that area change, as developments have come. I used to see a
16 lot of water when it rained in this one valley. I'm not
17 seeing that much anymore.

18 My other concern is in the future, is this going to
19 address the drainage problem as we continue to develop? And
20 how is it going to impact it? Thank you.

21 BOARD CHAIRPERSON BILL CARGO: Okay, again, on my
22 right side, the second row? No comment there?

23 I'm going to go again on the third row.

24 MR. LEE KLAMER: My name is Lee Klamer, 3555 32nd
25 Avenue. And I've got pretty close to 40 acres there on 32nd

1 Street.

2 The question I have is they paved Greenly Street
3 recently, and on my property on Greenly they changed the
4 drain position from where it was. We never had any problems
5 before, never have problems now.

6 But my question is if that impacts from further
7 down, is the county responsible for that, you know? I don't
8 know.

9 But the other question I have is when are they
10 going to redo 32nd Avenue because that's on -- we were
11 assessed for the Rush Creek Drain. And I was told from
12 somebody that works from the county many years ago that my
13 pipe from my ground to go to the other side is broke. And
14 I've been waiting for them to redo the road so that that can
15 get fixed.

16 BOARD CHAIRPERSON BILL CARGO: When you say broke,
17 you mean that they're not allowing flow through the culvert?

18 MR. LEE KLAMER: It's crushed. We have a lot of
19 heavy truck traffic on our road.

20 BOARD CHAIRPERSON BILL CARGO: And part of the
21 problem of course is right now this would be considered an
22 orphan drain. It's a drainage system that doesn't have
23 anybody directly responsible for it.

24 So that's part of why it's being asked to be
25 brought into the county drain system so that public dollars

1 can be used to correct some of these issues that occur,
2 whether it's normal maintenance or improvement.

3 MR. LEE KLAMER: I'm just bringing it up.

4 BOARD CHAIRPERSON BILL CARGO: Thank you.

5 MR. LEE KLAMER: And the other comment I have,
6 they're saying a lot of the trees and stuff is in the way of
7 the drain, isn't that a responsibility of the property owner
8 to keep that right?

9 BOARD CHAIRPERSON BILL CARGO: Okay. Actually it's
10 not a responsibility of the property owner to maintain a
11 watercourse.

12 MR. LEE KLAMER: But if you got a dead tree, they
13 should take care of it.

14 BOARD CHAIRPERSON BILL CARGO: Whether they should
15 is a whole another question. I understand what you're
16 asking. Thank you.

17 And the gentleman next to him, would you like to
18 speak?

19 UNIDENTIFIED SPEAKER: No.

20 BOARD CHAIRPERSON BILL CARGO: Okay, yourself?

21 MS. SANDRA TALSMA: My name is Sandra Talsma. Our
22 address is 3675 Riley Street.

23 We are part of four drainage districts already, and
24 one of them -- or a couple of them are the same area, or some
25 of the same areas as this Quincy one. And I don't understand

1 why we need another one when we've already got one.

2 BOARD CHAIRPERSON BILL CARGO: One of the things
3 that they're talking about is they will have to take a look
4 at the boundaries. If you're in to two of these drainage
5 districts, please talk to the engineer afterwards because we,
6 like he said, we try not to have overlap or gaps.

7 MS. SANDRA TALSMAN: Okay.

8 BOARD CHAIRPERSON BILL CARGO: But if there are
9 issues, speak with Paul afterwards. If we need to adjust, if
10 he needs to adjust the boundary, if the drain commissioner
11 needs to adjust the boundary, if this is approved as a
12 drainage project in terms of necessity, they will work with
13 you.

14 MS. SANDRA TALSMAN: Thank you.

15 BOARD CHAIRPERSON BILL CARGO: Yes.

16 Okay. We've heard from the township, did you have
17 any other comments or do you want me to go to the back row?

18 Very back row? Okay. Very back?

19 MR. NELS FREDRICKSON: I'm Nels Fredrickson, 4040
20 Quincy. I live right on the corner of, or the west corner of
21 40th and Quincy. So I definitely know what this is in
22 regards to.

23 We're the newest new construction home that's in
24 that area. We've been there about five years. And as we
25 don't have any issue with flooding into our home or anything

1 like this, there is definitely flooding in that area.

2 Our whole back area, we have three acres, and it
3 completely floods. The stream does definitely run through
4 our property for the majority and then crosses under the 40th
5 viaduct, I guess, the pathway.

6 And concerning for us, there is no concern that's
7 overwhelming. I agree with her, I'm concerned for the
8 wetland, for myself and my family, you know, my children
9 enjoy that area and the whole thing which was touched on.

10 But it definitely does flood. So there is
11 definitely some change. We haven't been there long enough to
12 know what it was forty years ago, but there is definitely
13 something that should be done.

14 And there is fallage of trees that fall in that
15 area probably related to the watershed area.

16 BOARD CHAIRPERSON BILL CARGO: That's exactly what
17 I was going to ask, have you seen a lot of trees and woody
18 debris in the stream behind you; and you seem to say yes, you
19 have?

20 MR. NELS FREDRICKSON: Yes. He actually lives
21 right behind us (indicating) so I know some of the area that
22 he's talking about that floods up. As the stream goes
23 through, there is not a tremendous amount of fallage, but
24 there are some trees that have fallen down, and I would say a
25 lot of sediment washing from the higher area down to that

1 area. Between the three of us, we're probably in the lowest
2 area of that little area.

3 My house is built up higher, so it's not as
4 concerning for egress into the home. But it's definitely --
5 I have a lake when -- at certain times of the year.

6 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate
7 that. Thank you very much.

8 On my left-hand side, the gentleman in the second
9 row here?

10 MR. SID HOLWERDA: My name is Sid Holwerda. I own
11 3770 Quincy. I own the 10 acres adjacent to Royal Plastics
12 where the main part of the drain comes through there. Lived
13 there for forty years. It's always flooded. But what's
14 changed is the development upstream.

15 It would seem to me that the ponds, the retention
16 ponds that are currently required for storm water retention
17 are not large enough.

18 My solution would be you should build another dam
19 between where the picture of the house was, and I own a pond
20 there somewhere in that area, the topography is suitable for
21 it.

22 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate
23 it.

24 MR. SID HOLWERDA: Something needs to be done as
25 development continues.

1 I noticed that when Royal developed their last
2 chunk of property they filled part of the floodplain with a
3 lot of dirt, altered that. I don't know if that was
4 permitted or not.

5 BOARD CHAIRPERSON BILL CARGO: If they were filling
6 the floodplain, that's a concern. But again --

7 MR. SID HOLWERDA: Well if you look there is a
8 gulch system that runs all the way through the bank there and
9 it crosses right through my property and then goes a little
10 bit further and across Quincy.

11 BOARD CHAIRPERSON BILL CARGO: Okay.

12 MR. SID HOLWERDA: And that area is always flooded,
13 but it's changed over the years now with you get more runoff.
14 With the development, there is still more runoff that comes
15 up.

16 BOARD CHAIRPERSON BILL CARGO: Sure.

17 I'm going to go to the third row, yes?

18 MS. CINDY BERENDS: Cindy Berends. I live at 4175
19 40th. I live on the deadened of 40th. We do have a big
20 ravine there and it does get flooded when it rains a lot.

21 But I do have one probably stupid question. Does
22 this affect any of our wells or septic?

23 BOARD CHAIRPERSON BILL CARGO: If you have
24 flooding, it could affect your septic. I don't think it
25 would affect your wells. Your wells are going to be sunk

1 quite deep and will probably not be impacted by flooding on
2 the surface.

3 Your septic system, if that area gets saturated it
4 could affect that. So if you have increased flooding in the
5 area, I would have some concern for your septic system. I
6 wouldn't have concern for your well.

7 Is that a fair summary?

8 WATER RESOURCES COMM. JOE BUSH: Great job.

9 ENGINEER PAUL FORTON: Great job.

10 BOARD CHAIRPERSON BILL CARGO: Okay, thank you.

11 A quick question, are you seeing more erosion in
12 that ravine behind you?

13 MS. CINDY BERENDS: Me?

14 BOARD CHAIRPERSON BILL CARGO: Yes.

15 MS. CINDY BERENDS: The DEQ did -- there is a creek
16 that goes through there, they do work on that probably every
17 year.

18 BOARD CHAIRPERSON BILL CARGO: Okay, thank you.

19 Next?

20 Okay. I'm going to go to the fourth row back
21 there.

22 MR. HARRY VANDERIET: My name is Harry Vanderiet,
23 3846 Quincy Street, and I've also lived there for 40 years.

24 And my house was one of the pictures up there. And
25 over the last forty years, like Sid said, we always got

1 flooding back there. But now it's getting more and more, and
2 it's getting higher. But a lot of it is because of all the
3 sediment, and it's filled in.

4 I know where the culvert goes underneath the road,
5 and that creek has cut a new path now.

6 BOARD CHAIRPERSON BILL CARGO: Okay.

7 MR. HARRY VANDERIET: Because that was filled in
8 and blocked with trees, brush.

9 I tried to keep it clean, but I couldn't keep up
10 with it. And then it cut a new path and it goes through our
11 yard now, which isn't a big deal. But then it makes a
12 90-degree turn and another one, right into Quincy Street.
13 Which is eroding Quincy Street out now, the road. And then
14 it has to make another turn to go underneath the culvert.

15 I would say it's silted in for I bet at least two
16 foot, it's raised up from when we first moved in there.

17 BOARD CHAIRPERSON BILL CARGO: And that can be a
18 real problem with the erosion and then the flood waters.

19 MR. HARRY VANDERIET: Yes, it's definitely a
20 problem.

21 BOARD CHAIRPERSON BILL CARGO: I appreciate that.

22 MR. HARRY VANDERIET: Thank you.

23 BOARD CHAIRPERSON BILL CARGO: And the gentleman
24 next to him?

25 MR. AL WYCHERS: Al Wychers, 3825 Quincy. I

1 basically live across the street from Howard Vanderiet.

2 I guess my concern goes years back. I've been in
3 the township for over 45 years. When the expressway went in,
4 it changed the drain. On the north side of the expressway, I
5 know that's outside of the boundaries of what we're talking
6 about, Summergreen Condos used to be a natural holding, water
7 holding area.

8 Well that was all filled in and developed. The
9 expressway came in, and turned it into a dam, which requires
10 all the water to funnel to that spot. And it can't go
11 through too fast or it could cause problems for Hudsonville,
12 which backs the problem up to the Quincy Street side.

13 The water park, the outline on the map there, they
14 went around the lake. Well if we get a big flood, a big
15 rain, a hundred-year flood, whatever they call it, they're
16 going to be part of the same drain. It does cross out of,
17 you know, it crosses that yellow line, and it goes into
18 the -- I think it is what they call the Pinnacle Drain.

19 BOARD CHAIRPERSON BILL CARGO: Okay.

20 MR. AL WYCHERS: So anyway, from -- it all gets
21 funneled in there, and backed up, causing everything south to
22 get jammed up, filled in.

23 It changed the natural flow that occurred decades
24 ago.

25 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate

1 it. And we will have the engineer take a look at that aspect
2 of it as well.

3 And in the fourth row, at the end?

4 MR. TIM TACOMA: Hi, I am Tim Tacoma, 750 Quincy
5 Street, but I have 20 acres at 4465 Greenly.

6 Greenly has the big ravine, the field to the east,
7 the west, and everything to the south flows into that spot.

8 I have seen that culvert flood many times, because
9 I don't want to step on anybody's toes, Ken, but I think that
10 culvert was undersized. And it changes the course of this
11 stream upstream because of the flooding that takes place and
12 water goes over the road.

13 And I think the same thing is taking place at
14 Quincy Street. I think when the road commission leveled that
15 hill, they put in an undersized drain. And that's kind of
16 the source of the problem, more than anything else, that our
17 neighbors are complaining about.

18 Now I did hear something, the DEQ, if we establish
19 this drain, we get a DEQ exemption, which I think is
20 necessary.

21 I'm on the Board, I voted no to do this but I think
22 I would change my vote if the -- if we could get a DEQ
23 exemption to help fix this guy's issue because it is an
24 issue. But now I hear that we have to run everything past
25 the DEQ before we do it, so I'm wondering how we do that?

1 BOARD CHAIRPERSON BILL CARGO: With a new drain
2 you'll have to work with the DEQ. The exemptions occur on
3 existing drains.

4 For example, in Grand Haven Township we had a
5 crushed culvert because of a construction accident. We
6 got -- we were able to get an emergency DEQ permit because we
7 worked with the drain commissioner. Those type of things can
8 occur if you have an established drain.

9 But if you're starting something brand new, they're
10 going to want make sure you're still protecting the wetlands
11 because they perform an important function for storm water
12 management.

13 MR. TIM TACOMA: Okay.

14 BOARD CHAIRPERSON BILL CARGO: Is that a fair
15 summary?

16 ENGINEER PAUL FORTON: Yes. To clarify, we need a
17 permit to establish the drain. Once it's established, then
18 we're grandfathered in to do future maintenance, certain
19 activities without the permit. That's where the advantage
20 comes.

21 BOARD CHAIRPERSON BILL CARGO: Clear the wood from
22 the streams, things like that.

23 MR. TIM TACOMA: How extensively do you research
24 this drain before things get going? Do you walk every step,
25 looking for every puddle and which way the water is flowing

1 in every puddle?

2 BOARD CHAIRPERSON BILL CARGO: Well there is limits
3 on everything, but they'll probably spend at least \$20,000
4 taking a look and doing a study to determine where the
5 problems exist and possible solutions for the problems. And
6 it could become much larger.

7 We had in the township a Hiawatha Drain project.
8 That ended up being an eight-year project to come to a
9 solution. We got a lot of grant monies for it, we worked
10 with them to try to solve the flooding problems that
11 occurred.

12 So that's kind of an unknown right now. We know
13 that there will be studies. At the low end it will probably
14 cost 20,000. If it's a complicated issue, they may have to
15 spend three or four years to finally solve this problem.

16 Is that a fair summary, Joe?

17 WATER RESOURCES COMM. JOE BUSH: I would say that's
18 a fair summary.

19 BOARD CHAIRPERSON BILL CARGO: But we don't know
20 what we don't know. And that's the issue when you're
21 establishing a new drainage area.

22 MR. TIM TACOMA: But it just seems the problem area
23 is the Quincy and 40th intersection there.

24 BOARD CHAIRPERSON BILL CARGO: It could be one of
25 the main ones. But again, we don't know what we don't know.

1 MR. TIM TACOMA: All right. Thank you.

2 BOARD CHAIRPERSON BILL CARGO: The pastor in the
3 back row. Any comments?

4 PASTOR PHILIP SHCOUT: I didn't really come to make
5 any comments. I just came to see what's going on because I
6 have the little church on the corner.

7 BOARD CHAIRPERSON BILL CARGO: Could you come up
8 here to the front, and give your name and address?

9 PASTOR PHILIP SHCOUT: I'm Pastor Shcout, Temple
10 Baptist Church. Our church is on the corner of Greenly and
11 32nd.

12 And I didn't have any questions about that. I just
13 came because people at church a lot of times ask questions,
14 so I just said I'll go to the meeting and see.

15 But anyway, there are no problems with what we
16 have. But essentially as you go down the road, each person,
17 obviously the main thing in life is to know Jesus Christ as
18 your Savior. He's the Word of life.

19 BOARD CHAIRPERSON BILL CARGO: I'm not going to
20 argue with that at all. Thank you very much.

21 That said, I think everybody in the room has had a
22 chance to make a public comment. And so unless there are any
23 objections, I'm going to close this portion of public
24 comments.

25 Any objection?

1 Any questions from the Board.

2 BOARD SECRETARY GLENN NYKAMP: I do have a notice
3 here from Jerry Olman from the Road Commission.

4 He's not able to be here today. I'll just read
5 this.

6 "I will not be able to attend the BOD today. I'm
7 not aware of any issues with the road/stream crossings within
8 the proposed district. If there is an issue within this
9 right-of-way, please let me know."

10 So you can get him -- I've got an address for him
11 and phone number if you want to talk to him.

12 It says, "for the purpose of maintaining good
13 positive drainage in the area and correcting any issues, if
14 any, that may be present, Ottawa County Road Commission is in
15 favor of establishing this district."

16 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate
17 that. And I think Joe and Paul have heard about at least one
18 crushed culvert and one possibly undersized culvert, and
19 you'll pass that information on to the drain commissioner,
20 and as you examine it you'll take a look at that.

21 With that, I will close the public comment period.
22 And now we're going to have a discussion . So the first --
23 I'm going to ask Glenn, what are your thoughts?

24 BOARD SECRETARY GLENN NYKAMP: Well there is,
25 obviously it's a big enough area to have plenty of issues out

1 there. I live in the country. I've got things rushing down
2 the creek by my house and everything else, but we're in the
3 same position as you are.

4 We are not, at this point, we don't have a place to
5 go with it. It's an issue. And it's an issue all over and
6 it's just getting more and more as we expand our areas that
7 are getting built and stuff like that.

8 So I know what it's like to have issues like that,
9 but there is only one way to take care of it basically is if
10 you would approve this, what we're talking about today.

11 BOARD CHAIRPERSON BILL CARGO: Ken, did you have
12 any comment? Any thoughts?

13 BOARD MEMBER KEN SOUTER: Well, you know, I've
14 worked for the road commission for a lot of years and I've
15 talked to a lot of people over the years about, well what do
16 we do? How do we go about getting this fixed?

17 And the same thing, if they're not in an
18 established district, there is no place for you to go.

19 So I've always been an advocate of county drains
20 because then you have Joe to go to. You got -- you have
21 somebody to talk to to maybe solve your problem or help you
22 solve your problem. So I'm really an advocate to get areas
23 in county drains so that people just have a chance to get
24 something solid.

25 Otherwise, everybody is talking to their neighbor,

1 what can we do? And it just never gets done. So I'm always
2 in favor of getting lands within an area into a county drain
3 so that they have a place to go. So I'm in favor.

4 BOARD CHAIRPERSON BILL CARGO: In terms of my
5 comments I find it unusual to have such a large watercourse
6 that's not part of the county drain system. And it's been
7 exacerbated because of the ash borers and all the trees that
8 are dying and falling into these -- into these ravines, into
9 these streams which are causing more erosion, more
10 sedimentation. More sedimentation is causing issues with
11 blocking culverts and causing increased flooding.

12 Unfortunately, the average property owner, even if
13 they wanted to, wouldn't be able to clear these streams.
14 They don't have the equipment. And they don't have the
15 ability financially normally to pay for that.

16 If this was simply a matter of cleaning out a small
17 catch basin or drain in front of you with sticks and twigs,
18 yes, you can do that. But when you're talking -- some of
19 these ash trees are huge.

20 I'm also concerned that we're having more and more
21 development occur. And even with on-site retention, or
22 holding of some of the water, we know that with large rain
23 events it's going to spill over. So it helps to mitigate the
24 issue, but it doesn't solve the issue if it's not part of a
25 drain.

1 The other thing I like about drainage districts is
2 that, if I vote for this, I would also vote that the cost
3 would be assessed in part to the governmental entities so
4 that their general tax dollars could be used to solve some of
5 these problems, and not put the burden entirely on the
6 property owners in the district.

7 So that said, do I have a motion that this drain is
8 deemed necessary?

9 BOARD MEMBER KEN SOUTER: I'll make that motion.

10 BOARD CHAIRPERSON BILL CARGO: We have a motion
11 from Ken that this drain is deemed necessary.

12 Is there support?

13 BOARD SECRETARY GLENN NYKAMP: Support.

14 BOARD CHAIRPERSON BILL CARGO: And we have support
15 from Glenn for that.

16 Any further discussion on that? Do you want to say
17 anything else?

18 BOARD MEMBER KEN SOUTER: I think I said my peace.

19 BOARD CHAIRPERSON BILL CARGO: Okay.

20 BOARD SECRETARY GLENN NYKAMP: I agree.

21 BOARD CHAIRPERSON BILL CARGO: Then all in favor,
22 say aye.

23 BOARD MEMBER KEN SOUTER: Aye.

24 BOARD CHAIRPERSON BILL CARGO: Aye.

25 BOARD SECRETARY GLENN NYKAMP: Aye.

1 BOARD CHAIRPERSON BILL CARGO: And there is no
2 opposition.

3 Because this was deemed necessary, I'm also going
4 to make a motion that the drain is necessary for the
5 protection of public health in Jamestown Charter Township,
6 and that a portion of any costs shall be apportioned to the
7 municipality at large.

8 Is there support for that motion?

9 BOARD MEMBER KEN SOUTER: I'll support that.

10 BOARD CHAIRPERSON BILL CARGO: So I made the motion
11 and Ken supported.

12 Any discussion?

13 BOARD SECRETARY GLENN NYKAMP: Nope.

14 BOARD CHAIRPERSON BILL CARGO: Okay. Then all in
15 favor, say aye.

16 BOARD MEMBER KEN SOUTER: Aye.

17 BOARD CHAIRPERSON BILL CARGO: Aye.

18 BOARD SECRETARY GLENN NYKAMP: Aye.

19 BOARD CHAIRPERSON BILL CARGO: And again there is
20 no opposition.

21 The final thing we want to do is that I agree that
22 there could be some boundary issues with this. Paul, the
23 engineer stated that the boundaries that were shown were very
24 rough.

25 So I'm going to make a motion that the drainage

1 district boundary be adjusted as necessary and lands be added
2 and deleted as determined by the Water Resources Commissioner
3 as recommended by the engineer.

4 Do I have support for that?

5 BOARD SECRETARY GLENN NYKAMP: Support.

6 BOARD CHAIRPERSON BILL CARGO: I made the motion,
7 Glenn supported the motion.

8 Is there any discussion on that?

9 BOARD SECRETARY GLENN NYKAMP: No.

10 BOARD CHAIRPERSON BILL CARGO: Then all in favor,
11 say aye.

12 BOARD MEMBER KEN SOUTER: Aye.

13 BOARD CHAIRPERSON BILL CARGO: Aye.

14 BOARD SECRETARY GLENN NYKAMP: Aye.

15 BOARD CHAIRPERSON BILL CARGO: And then that
16 basically is the end of this Board of Determination. All
17 we've determined is that there is a necessity to have
18 somebody be responsible for this drainage district.

19 And with that said, I'm going to turn this over to
20 Joe, first of all to talk about the appeal process, and then
21 any closing comments.

22 And then after Joe's comments we will adjourn this
23 meeting.

24 WATER RESOURCES COMM. JOE BUSH: Thanks, Mr. Chair.

25 There is an appeal process, when we get to the

1 assessment apportionment, and that's quite a ways down the
2 road. Many of you will have more notifications before we get
3 that far, because there is a process to appeal the -- not
4 today's process, but the apportionment and the assessments
5 when it comes out. We're quite a ways from that.

6 I just want to address a few of the people's
7 concerns as far as the wetlands. I've gotten hundreds of
8 thousands of dollars in grants for wetland improvements. I'm
9 probably one of the most strong environmentalists as far as
10 wetlands that there is.

11 UNKNOWN SPEAKER: I can keep my turtles then.
12 That's huge.

13 WATER RESOURCES COMM. JOE BUSH: Every development
14 goes through -- any development through Jamestown, City of
15 Hudsonville or neighboring -- 17 townships go through my
16 office. We review it and I usually have a firm like Spicer
17 or Prein & Newhof, another engineering firm review it, or two
18 sets of eyes if it's controversial and say, hey, are we
19 protecting the neighbors from flooding? They are building
20 for the 100-year rain event. They do have to retain and dig
21 ponds to keep that water on their property.

22 There is overflows like Bill mentioned earlier. So
23 there is overflows that do get into this natural watercourse.

24 One thing I'm huge on is collaboration with these
25 businesses. They're all looking at me going, hey, how can we

1 make this better?

2 I think a lot of those partners that we could
3 partner with are willing to share some costs too because they
4 know their water does overflow, they are in the drainage
5 district and they like to be good community partners.

6 So one of the things I like to do is partner with
7 business owners. Royal Plastics has been one of the biggest
8 ones in the City of Hudsonville on their issues. They have
9 contributed a lot of money to drainage, because they
10 understand they have a large footprint, big parking lot, big
11 buildings. They know they have a lot of runoff.

12 So I just wanted to address the development. And
13 there is a lot more development coming. As you can tell,
14 Jamestown is one of the hot spots in Ottawa County,
15 especially between here and Kent.

16 Collaboration, development and then the wetlands.
17 I just want to emphasize that the Hiawatha Drain, wetlands
18 are so important to the natural resources, even for flooding,
19 water quality is huge. And one of the things that I want to
20 do as your countywide elected official and as a drain
21 commissioner, Water Resources Commissioner, is protect that
22 water quality.

23 And in that, wetlands plays a big piece of that.
24 We lost a lot of wetlands over the years. So if we can make
25 it even better in your backyard where there is identified

1 wetlands by the DEQ -- I have a wonderful relationship with
2 DEQ. We don't always agree, but we'll come to the table and
3 sit down and say, how do we make it better? And not charge
4 taxpayers' money for a big cost.

5 A lot of things are commonsense. Commonsense
6 solutions are very important. And that's what I try to do.
7 So when we look at this, we'll be looking at -- Sid made a
8 good point about another dam.

9 The Buttermilk Creek, that water park? That's
10 mine. That's actually a dam. That was put there year and
11 years ago before the water park got there for water storage.
12 There is overflow spillways. If you ever decide to walk down
13 there and walk around it, I have to have that inspected every
14 three years per the DEQ, because it is technically a dam.

15 We have a lot of dams in Ottawa County that people
16 don't even realize we have. Another dam upstream might be
17 something to consider with the development and growth. That
18 could be an opportunity for us to evaluate that.

19 The culvert sizing, that's been mentioned and I do
20 know that the road commission does a great job on calculating
21 how much water flow with runoff on the size of culvert. We
22 can have the road commission review that and make sure that
23 the culvert is the right size.

24 If it is a problem, then the road commission is
25 another great partner that I work with everyday. Everyday we

1 work together because it's your taxpayers' money. That's how
2 we collaborate and make it affordable and make it commonsense
3 again. I can't stress commonsense enough.

4 So the road commission, we'll make those phone
5 calls and make sure that culvert was sized for that Quincy
6 Street.

7 I think we already asked once, Jerry Olman can't be
8 here. He said, yes, we sized it. But again, another set of
9 eyes on it, maybe we'll have Paul just review that, run a
10 model on it to make sure, yep, it was sized correctly.

11 If it wasn't, that's where we're going to start.
12 Let's look at that. We still have the erosion, sediment,
13 trees, we have all of those issues too.

14 But those are a few of my comments that I wanted to
15 reassure the wetlands, I'm all about protecting them. I'm
16 all about -- my job is to make sure people don't flood so
17 when we do development reviews, we don't want to flood the
18 neighboring property owners. Because, yeah, development is
19 good, but there is also the growing pains. And this is a
20 flooding concern that people have when they have big
21 businesses coming in. We want to make sure we protect the
22 neighbors.

23 And then again, we're always working with the
24 business owners in collaboration. And Jamestown Township has
25 been great to work with. They know how crucial drainage is

1 at large. They have been a great partner. I can't say
2 enough. Because they're in -- yeah, Jamestown is in a
3 situation that they're growing.

4 BOARD CHAIRPERSON BILL CARGO: And with that, I
5 just want to appreciate everybody coming.

6 And without objection, we will adjourn.

7 If you have any questions, please talk to the Drain
8 Commissioner after this meeting.

9 Any objections to adjourning?

10 BOARD SECRETARY GLENN NYKAMP: No.

11 BOARD CHAIRPERSON BILL CARGO: Without objection,
12 we are adjourned.

13 (Board of Determination concluded at 11:13 a.m.)

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<hr/> \$ <hr/>	30-acre 31:6	<hr/> 9 <hr/>	advantage 17:24,25 46:19	apologies 13:17
\$20 28:21	32nd 14:25 19:21 21:15, 19 29:7 35:24, 25 36:10 48:11	9 2:2	adversely 13:1	appeal 54:20, 25 55:3
\$20,000 4:11 47:3	3555 35:24	90-degree 43:12	advocate 50:19,22	application 15:23
<hr/> 1 <hr/>	3770 40:11	<hr/> A <hr/>	aerial 19:14	apply 34:15
1.7 15:18	3825 43:25	a.m. 2:2 59:13	affect 11:14 33:22,23 41:22,24,25 42:4	appoint 3:20, 22 6:1
10 40:11	3846 42:23	ability 51:15	affected 13:1 33:18	appointed 9:22
100 20:9	3865 32:23	access 6:22	affiliation 3:21	apportioned 53:6
100-year 55:20	3894 33:13	accident 46:5	affordable 58:2	apportionme nt 55:1,4
10:00 2:2	<hr/> 4 <hr/>	account 19:3 28:15	afternoon 2:17	approach 31:8
11:13 59:13	40 7:7 35:25 42:23	acre 19:1 28:6,8	agree 39:7 52:20 53:21 57:2	approve 3:8 50:10
12 24:16	4040 38:19	acres 15:18 20:15,16 28:8 31:6,7 35:25 39:2 40:11 45:5	agricultural 15:19	approved 38:11
120 20:17	40th 32:23 33:6,7,9,10,13 38:21 39:4 41:19 47:23	acreage 28:6	ahead 6:10	approximate 14:14 19:15, 22 32:19
14 24:16	4175 41:18	activities 46:19	airplane 20:23,24	approximatel y 19:21
14a 19:3 32:5	4465 45:5	added 54:1	aliquot 20:10	apron 22:25
16 2:23	45 44:3	address 8:23 12:10 24:21 27:22 32:18 35:19 37:22 48:8 49:10 55:6 56:12	alive 17:20	area 3:22 7:21 9:2 12:25 15:19,20 16:4 18:22 19:6,13, 22 26:19 27:6, 17 29:12 32:19 33:2,19 35:15 37:24 38:24 39:1,2, 9,15,21,25 40:1,2,20 41:12 42:3,5 44:7 47:21,22 49:13,25 51:2
17 55:15	48th 19:19,20	adequately 27:11	alleviate 27:20	areas 15:11 22:22 26:15 34:22 37:25 50:6,22
1890 20:12	<hr/> 5 <hr/>	adjacent 20:1 24:9 40:11	allowing 36:17	argue 48:20
18th 24:15	52 33:17	adjourn 54:22 59:6	altered 41:3	
196 15:5 19:6 22:12 31:16	<hr/> 6 <hr/>	adjoined 59:12	amount 15:20 22:20 23:10 24:16 25:8 31:3 39:23	
196'ish 19:18	60 20:7,14,15	adjoining 59:9	animals 34:2	
19th 24:15	<hr/> 7 <hr/>	adjust 38:9, 10,11	anybody's 45:9	
<hr/> 2 <hr/>	750 45:4	adjusted 54:1	anymore 35:17	
20 20:7 35:9 45:5	<hr/> 8 <hr/>			
20,000 47:14	80 20:16 28:7			
2012 2:7	80-acre 20:7, 14 28:7			
2013 2:8				
2018 2:2				
20th 24:14,15				
<hr/> 3 <hr/>				
30 26:24				

arise 11:19	6:15,24 17:9, 16 19:11	bet 43:15	blue 32:21	bordered 19:20
ash 23:9,10 26:4 51:7,19	20:24 25:6 27:7,10 31:16	betterment 35:8	board 2:11,19 3:6,20,23 4:4, 16,17,19,24, 25 5:3,4,15,22	borer 23:10
aspect 45:1	38:17,18 39:2 42:20 43:1 44:2 48:3	big 5:13 6:4 23:8 33:19 41:19 43:11 44:14 45:6 49:25 56:10, 23 57:4 58:20	6:13,18 7:1 9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 46:1, 14,21 47:2,19, 24 48:2,7,19 49:16 50:11 51:4 52:10,14, 19,21,24 53:1, 10,14,17,19 54:6,10,13,15 55:22 59:4,11	borers 51:7
assessed 18:10 20:16 36:11 52:3	backed 44:21	biggest 56:7	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 46:1, 14,21 47:2,19, 24 48:2,7,19 49:16 50:11 51:4 52:10,14, 19,21,24 53:1, 10,14,17,19 54:6,10,13,15 55:22 59:4,11	Born 32:23 33:7,10
assessment 18:8 19:8 28:4 55:1	background 14:7 15:8	Bill 7:9,12 10:3,7,13,14, 16,17,20,22 11:3,8,10,24 12:3,5,20 13:3,6 16:6,9, 24 17:6 18:6 19:10 32:13 33:4,12 34:4, 25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 46:1, 14,21 47:2,19, 24 48:2,7,19 49:16 50:11 51:4 52:10,14, 19,21,24 53:1, 10,14,17,19 54:6,10,13,15 55:22 59:4,11	6:13,18 7:1 9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	bought 24:12
assessments 3:24 55:4	backs 44:12	blockages 25:23	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	boundaries 19:25 20:2 38:4 44:5 53:23
at-large 19:7, 8	backyard 56:25	blocked 43:8	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	boundary 14:10,14 19:13,15,18 20:5 21:21 28:3 38:10,11 53:22 54:1
Atlanta 8:1	bad 17:23	blocking 51:11	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	boy 17:20 30:25
attend 13:17 49:6	bank 22:20 23:1,5,6,19 27:10 41:8	blocks 23:17	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	brackets 19:22
attention 9:14	banks 22:23, 24 27:6,7,19	blown-out 27:6	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	branch 3:18 15:13,14 26:12
audience 6:18 9:12	barn 28:9	blows 23:6,19	9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	brand 15:25 34:15 46:9
augment 35:7	based 20:11 26:6 35:12		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	break 2:24
August 2:2	basically 16:3 21:1,14 44:1 50:9 54:16		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	briefly 11:12
automatically 18:10	basin 51:17		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	bringing 37:3
Avenue 14:25 19:20,21 21:15,19 33:14 35:25 36:10	beam 20:23, 24		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	broke 36:13, 16
average 51:12	Bear 13:21		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	brought 2:12 9:3,13 36:25
aware 49:7	bearer 17:23		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	brush 43:8
awhile 9:3	begin 32:15		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	build 40:18
aye 10:18,19, 20,21 11:6,7, 8,9 12:1,2,3,4 52:22,23,24, 25 53:15,16, 17,18 54:11, 12,13,14	beginning 22:3,16,17		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	building 55:19
<hr/> B <hr/>	benefit 3:14, 19 18:17,21		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:5, 11 30:2,15,19 31:12,18 32:12,13 33:4, 5,8,11,12 34:4,25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 45:21 46:1,14, 21 47:2,19,24 48:2,7,19 49:1,2,16,24 50:11,13 51:4 52:9,10,13,14, 18,19,20,21, 23,24,25 53:1, 9,10,13,14,16, 17,18,19 54:5, 6,9,10,12,13, 14,15,16 59:4, 10,11,13	buildings 56:11
back 4:15 5:9	Berends 41:18 42:13, 15		9:4,22 10:3,4, 5,7,12,14,15, 16,19,20,21, 22,25 11:2,3, 7,8,9,10,22, 23,24 12:2,3, 4,5,20 13:3,6, 19,22 14:1,18, 21 16:6,9,24 17:6 18:6 19:10 25:14 26:8,25 29:	

47:17 54:24 55:13	8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 46:1, 14,21 47:2,19, 24 48:2,7,19 49:16 50:11 51:4 52:10,14, 19,21,24 53:1, 10,14,17,19 54:6,10,13,15 59:4,11	54:6,10,13,15 59:4,11	clerk 8:8	59:8
business 56:7 58:24		challenge 23:8	close 19:19 23:2 26:13 35:25 48:23 49:21	Commissioner's 8:11 18:2 28:16 29:23 34:14
businesses 27:16 55:25 58:21		chance 25:9 48:22 50:23	closing 54:21	commissioners 8:4,5 17:10
busy 2:22,23		change 35:9, 10,15 39:11 45:22	Code 2:9 3:3, 20,24 6:1,14 7:7,14,18	commonsense 57:5 58:2,3
Buttermilk 9:8 15:2,7 22:5,17 31:21 32:9 57:9		changed 2:7 36:3 40:14 41:13 44:4,23	collaborate 58:2	community 16:11 56:5
Byron 7:21	case 17:22 24:18	channel 22:14	collaboration 55:24 56:16 58:24	complaining 45:17
<hr/> C <hr/>	catch 51:17	charge 57:3	color 21:9	complaint 30:11
calculate 19:2	caught 35:4	Charter 12:17,22,23 13:4 53:5	colorize 21:9	completely 39:3
calculates 20:24	causing 44:21 51:9,10, 11	cheaper 35:12	colors 21:22, 25	complicated 47:14
calculating 57:20	center 7:9,21 32:8	check 10:8	COMM 2:4 7:24 8:2 10:6 42:8 47:17 54:24 55:13	computer 6:23
calculations 19:3	centerline 15:14	children 39:8	comment 12:11 14:2 24:11 25:13 26:6 32:16 35:22 37:5 48:22 49:21 50:12	concern 2:12 9:2 33:22 35:18 39:6 41:6 42:5,6 44:2 58:20
call 4:4 6:24 8:7 19:7 44:15,18	chair 7:11 8:21 10:13 54:24	Christ 48:17	comments 11:14,20 12:6, 14,15 26:25 38:17 48:3,5, 24 51:5 54:21, 22 58:14	concerned 39:7 51:20
called 5:5 13:19 19:2 20:10	chairperson 10:10,11,17, 22 11:3,8,10, 24 12:3,5,20 13:3,6 16:6,9, 24 17:6 18:6 19:10 32:13 33:4,12 34:4, 25 35:21 36:16,20 37:4, 9,14,20 38:2, 8,15 39:16 40:6,22 41:5, 11,16,23 42:10,14,18 43:6,17,21,23 44:19,25 46:1, 14,21 47:2,19, 24 48:2,7,19 49:16 50:11 51:4 52:10,14, 19,21,24 53:1, 10,14,17,19	chunk 41:2	commercial 28:13	concerns 4:20 9:9 11:17 27:18,22 55:7
callout 20:11		church 48:6, 10,13	commission 7:3,6 18:23 29:7 30:7 45:14 49:3,14 50:14 57:20, 22,24 58:4	concluded 59:13
calls 8:16 58:5		Cindy 41:18 42:13,15	commissioner 2:6,9 6:1 9:23 17:9 38:10 46:7 49:19 54:2 56:21	concrete 22:25
care 16:22 25:25 30:11 37:13 50:9		circulator 24:25		condition 14:17 26:19
Cargo 7:9 10:3,7,13,14, 16,17,20,22 11:3,8,10,24 12:3,5,20 13:3,6 16:6,9, 24 17:6 18:6 19:10 32:13 33:4,12 34:4, 25 35:21 36:16,20 37:4, 9,14,20 38:2,		circumstances 17:4		Condos 44:6
		cities 2:24		cons 14:19 29:1
		City 55:14 56:8		considered 36:21
		clarify 46:16		construction 38:23 46:5
		clean 26:15 43:9		
		cleaned 33:3		
		cleaning 51:16		
		clear 46:21 51:13		

drain 2:6,9,12 3:3,15,18,20, 24 5:11,16,25 6:1,14 7:7,14, 17,18 8:3,4,8 9:24,25 14:6, 18,20,23 15:9, 24 16:1,10,12, 21,25 17:10, 13,16 18:17 20:4,12,13 22:3,4,17,18 23:17,24 24:4, 5,22 26:9,18 27:4,25 28:23 29:12,16 30:16 31:21, 24 32:3,4,24 33:1,2,18 34:13,16 35:8, 10 36:4,11,22, 25 37:7 38:10 40:12 44:4,16, 18 45:15,19 46:1,7,8,17,24 47:7 49:19 51:2,6,17,25 52:7,11 53:4 56:17,20 59:7	23:11 dropping 26:4 drops 28:23 due 18:18 dumps 32:9 duties 6:7 9:21 dying 51:8	elevations 21:11,14,23 embankment 22:9 emerald 23:10 emergency 46:6 emphasize 56:17 encourage 25:13 26:17 27:1 end 22:5,17, 20 28:25 45:3 47:13 54:16 ended 47:8 engineer 6:19 7:6,23 8:1,3 13:7,14 16:8, 13 17:3,7 18:11 19:11 24:20,25 26:2 29:10,15 30:4, 18,21 31:15, 19 32:9 34:12 35:3 38:5 42:9 45:1 46:16 53:23 54:3 engineering 4:5,12 7:21 55:17 enhance 35:1 enhancing 35:1 enjoy 39:9 ensure 34:23 entire 31:19 entities 52:3 entity 16:22 Environment al 17:12 34:19 environment alists 55:9 equipment 51:14	eroded 22:23, 24 eroding 43:13 erosion 9:9 17:2 22:20 23:1,5,24 25:18,22 27:15,21 42:11 43:18 51:9 58:12 essentially 48:16 establish 15:24 18:15 27:3,25 32:10 45:18 46:17 established 16:2,10 20:9, 12,13 26:13 34:16 46:8,17 50:18 establishing 14:20 47:21 49:15 establishmen t 18:17 etcetera 34:2 evaluate 57:18 event 55:20 events 51:23 eventually 21:17 everyday 57:25 exacerbated 51:7 exacerbates 25:24 exact 13:18 examine 49:20 excavate 17:17 excellent 18:11 31:15	excess 23:1 exempt 17:14 exemption 45:19,23 exemptions 17:11 34:13 46:2 exist 47:5 existing 22:9 34:6 46:3 expand 50:6 experience 26:11 expertise 7:17 explain 4:19 expressway 44:3,4,9 extensively 46:23 extra 35:6 extremely 33:2 eyes 55:18 58:9
drainage 3:24 7:5,7,14,17 8:3 9:24 14:10 17:2 18:7 20:1 24:18 28:21 29:13 35:14, 19 36:22 37:23 38:4,12 47:21 49:13 52:1 53:25 54:18 56:4,9 58:25 drained 16:4 drains 2:22 15:25 16:16, 20 20:5,6,9 30:16,24 34:15 46:3 50:19,23 drive 21:15 driveway 28:9 drop 21:18	<hr/> E <hr/> earlier 27:4 55:22 earth's 21:1 easement 30:13 31:10 easements 16:1 east 19:20 20:4,6 24:5,22 29:19 33:16 45:6 eastbound 22:12 edge 20:5 educated 26:25 effect 27:14 efficiently 25:20,21 egress 40:4 eight-year 47:8 elect 10:11, 13,17 elected 2:7 5:25 6:6,14 8:13 56:20 electing 11:5 election 10:9 elevation 20:25 33:17	<hr/> F <hr/> fact 28:22 factors 28:5, 15 fair 22:20 42:7 46:14 47:16, 18 faithfully 9:20 fall 39:14 fallage 39:14, 23 fallen 39:24 falling 51:8 falls 23:7,17 familiar 14:6, 23 15:3		

family 39:8	flip 13:12	17:3,7 18:11 19:11 24:20, 25 29:10,15 30:4,18,21 31:15,19 32:9 34:12 35:3 42:9 46:16	gentleman 32:21 37:17 40:8 43:23	27:16
farm 19:1 20:7,14 27:16 28:7,10	flood 25:7 39:10 43:18 44:14,15 45:8 58:16,17	forty 7:4 39:12 40:13 42:25	gentlemen 5:20 8:19 9:19 10:1	Group 7:21 13:8,15
fast 44:11	flooded 33:2 40:13 41:12, 20	forward 4:5 5:1,16	Georgia 7:24	growing 23:7 27:10 58:19 59:3
favor 4:2 5:24, 25 10:18 11:5 12:1 49:15 51:2,3 52:21 53:15 54:10	flooding 9:9 24:8 27:18,22 32:25 38:25 39:1 41:24 42:1,4 43:1 45:11 47:10 51:11 55:19 56:18 58:20	fox 33:24	give 5:17,20 8:19,22 12:10 13:8 48:8	growth 9:5 27:10 57:17
February 24:14,15	floodplain 41:2,6	Fredrickson 38:19 39:20	Glenn 7:15 10:4,15,21,24 11:5,9,22 12:4 29:11 30:19 31:12,18 33:5, 11 49:2,23,24 52:13,15,20, 25 53:13,18 54:5,7,9,14 59:10	guess 39:5 44:2
feed 29:20	floods 39:3, 22	free 29:3	goatee 32:22	gulch 41:8
feel 29:3	floor 11:13,25	frogs 34:1	good 2:4 9:10 23:13 35:7,10 49:12 56:5 57:8 58:19	guy's 45:23
field 24:13 45:6	flow 21:6 23:18 27:9,11 35:2 36:17 44:23 57:21	front 48:8 51:17	government 6:4	guys 5:21,22 13:24 25:25 26:3 29:2
fifteen 27:3	flowing 46:25	frustrates 17:18	governmenta l 52:3	<hr/> H <hr/>
figure 4:12 5:14 15:4 30:14	flows 15:1 19:23 21:23 45:7	function 46:11	Grand 7:9 46:4	habitat 23:14
filled 41:2 43:3,7 44:8,22	folks 4:1 13:25 14:12 17:10,18 18:25 26:1 28:19 29:17 31:2	functions 15:10	grandfathered 46:18	half 33:1
filling 41:5	folks' 26:14	funnel 44:10	grant 47:9	hand 9:19
final 53:21	follow 13:12 29:22	funneled 44:21	grants 55:8	handout 14:12 19:14
finally 47:15	follow-up 16:7,25 18:7	future 35:18 46:18	grass 25:6 27:10	happen 30:5
financially 51:15	foot 43:16	<hr/> G <hr/>	great 4:1 42:8, 9 57:20,25 58:25 59:1	happened 29:8
find 6:11,21 8:10,11 51:5	footprint 56:10	gaps 20:8 38:6	green 22:1	happening 9:6
finder 20:21	formal 14:1	general 14:17 19:17 52:4	grandfathered 46:18	happy 2:17 4:22 8:16,17
fine 5:3 26:5, 10	Forton 7:20, 23 8:1 13:7, 14,15 16:8,13	generally 17:4,7 18:20	grant 47:9	hard 6:22,25 21:4
finger 30:11		generate 21:2	grants 55:8	Harry 42:22 43:7,19,22
firm 4:5 8:3 55:16,17			grass 25:6 27:10	Haven 7:10 46:4
fisherman 23:13			great 4:1 42:8, 9 57:20,25 58:25 59:1	head 24:22
fix 26:22 30:14 45:23			green 22:1	heading 21:16
fixed 36:15 50:16			Greenly 36:2, 3 45:5,6 48:10	heal 27:8
fixing 18:18			ground 15:19 36:13	health 18:20 53:5
flies 20:23			grounds	hear 4:2 8:23

10:8 17:19 26:19 45:18, 24	hope 11:16	improvement 18:8 37:2	6:10 7:2	25:25 30:12, 16 42:8 47:16, 17 49:17
heard 6:3 38:16 49:17	hot 56:14	improvement s 9:24 55:8	invited 4:17	50:20 54:20, 24 55:13
hearing 2:12 3:6,11 4:8 5:11	house 17:16 24:9,12,19 28:9 33:15 40:3,19 42:24 50:2	inches 24:16	involved 30:15	Joe's 54:22
hearings 2:11	Howard 44:1	include 28:6	isolates 21:13	jurisdiction 16:22 17:25 30:6,17 31:9, 21
heavy 32:25 36:19	Hudsonville 2:1 30:23 44:11 55:15 56:8	included 19:7	issue 20:17 25:2 26:24 38:25 45:23, 24 47:14,20 49:8 50:5 51:24	<hr/> K <hr/>
held 4:8 13:16	huge 51:19 55:12,24 56:19	incorporate 30:22	issues 2:16 3:4 9:11 16:20 17:2 18:19 23:25 24:13 25:22 37:1 38:9 49:7,13, 25 50:8 51:10 53:22 56:8 58:13	Ken 4:18 7:3,4 9:3 10:5,12,19 11:2,7,23 12:2,17,22,23 13:4 29:5 30:2,15 33:8 45:9 50:11,13 52:9,11,18,23 53:9,11,16 54:12
helps 21:10 35:2 51:23	hundred-year 44:15	increased 18:18 42:4 51:11	items 31:9	Kent 56:15
hey 4:18 6:3 55:18,25	hundreds 55:7	increasing 15:20 16:14	<hr/> J <hr/>	kid 28:20
Hiawatha 47:7 56:17	<hr/> I <hr/>	increasingly 15:20	Jamestown 2:11 3:22 9:5 10:1 12:14,17, 22,23 13:4 53:5 55:14 56:14 58:24 59:2	kind 9:7 15:4 19:22 21:3,10 22:21 30:24 45:15 47:12
higher 21:23 39:25 40:3 43:2	I-196 31:13	indicating 25:10 39:21	known 30:4	Klamer 35:24 36:18 37:3,5, 12
highways 32:2	idea 21:6 25:3	informal 13:23	knew 30:4	knowing 25:2
hill 21:17,18 24:12 45:15	ideally 27:7 35:3	information 5:17 13:21 14:12 15:8 26:3 49:19	knowing 25:2	knowledge 26:15
historically 20:9 23:4	identified 16:20 34:6 56:25	informed 5:18	<hr/> L <hr/>	<hr/> L <hr/>
history 14:7 25:11	identifying 16:4 19:12	inner-county 28:23	Jerry 49:3 58:7	land 20:11
hold 2:10 3:5, 6,11 5:17	impact 35:20	inspected 57:13	Jesus 48:17	landowners 17:8 18:5 25:23
holding 44:6, 7 51:22	impacted 34:24 42:1	instance 20:3 21:22	job 2:10 3:25 6:6 7:8,18 42:8,9 57:20 58:16	landowners' 27:23
hole 30:14	impacts 36:6	instances 35:5	Joe 2:4,5 3:3 4:5 6:3,12 7:24 8:2 10:6 13:14 15:2,25 17:13 19:16	
Holwerda 40:10,24 41:7, 12	implement 35:11	interesting 16:13		
home 24:3,4 25:10 38:23, 25 40:4	importance 7:8,18 8:14	interests 27:17,23		
Homeowners 27:17	important 6:8,15 9:17 46:11 56:18 57:6	internet 6:23		
homes 15:20	imposed 9:21	intersection 47:23		
honestly 25:25		introductions		

lands 51:2 54:1	location 14:5, 22	maintaining 27:12 49:12	59:8	money 28:2 56:9 57:4 58:1
large 18:16,21 28:14 32:5 40:17 51:5,22 53:7 56:10 59:1	long 7:13 39:11	maintenance 17:14 37:2 46:18	meetings 2:20	monies 17:1 47:9
larger 47:6	longer 17:19	majority 29:18 39:4	Meijer 29:17, 20	months 4:16
late 24:14	looked 21:4	make 4:4 6:2 10:12,24 12:15,21 13:24 21:1 26:3,6 43:14 46:10 48:4,22 52:9 53:4,25 56:1,24 57:3, 22 58:2,4,5, 10,16,21	melted 24:17	morning 2:4, 15 3:1 9:16
law 3:21 6:14 7:17 10:1 19:2	lost 23:10 56:24	making 26:25	MEMBER 10:3,4,5,7,12, 14,15,16,19, 20,21 11:2,7, 9,23 12:2 29:5 30:2,15 33:8 50:13 52:9,18, 23 53:9,16 54:12	motion 10:11, 12,16,24 11:3, 13,20,24 18:14 52:7,9, 10 53:4,8,10, 25 54:6,7
lawsuit 6:16	lot 7:17 8:17 9:2,5,6,9,18 14:9 17:18 18:2 20:18 22:22 23:6 24:10,11 27:24 28:5,14 29:3,8 30:16, 23 33:25 35:16 36:18 37:6 39:17,25 41:3,20 43:2 47:9 48:13 50:14,15 56:2, 9,10,11,13,24 57:5,15	management 46:12	members 9:21 12:18,25	motions 18:13
lay 13:21 27:9	Lots 29:10	Manager 7:10	mentioned 12:18 13:14 15:2 34:13 55:22 57:19	move 4:5 5:1, 16 25:20
leave 9:17 25:17	loudly 8:23	manner 25:21	met 24:13	moved 11:22 43:16
Lee 35:24 36:18 37:3,5, 12	love 26:18	map 3:13 21:3 44:13	mic 12:9,15	moving 14:22 22:19 23:5,14 24:2 27:3
left 22:21	low 47:13	maps 21:5	Michigan 2:1	mowed 25:6
left-hand 40:8	lower 22:20 33:1	Margie 6:13, 20 7:19 8:23	mics 10:7	multiple 8:3
legal 17:1	lowest 40:1	massive 32:24	middle 7:11 22:21	municipalitie s 18:16
legit 6:2	<hr/> M <hr/>	material 23:21	miles 15:18	municipality 53:7
leveled 45:14	M-deq 34:10	matter 28:22 51:16	mine 57:10	<hr/> N <hr/>
Lidar 20:20	made 53:10 54:6 57:7	MDOT 19:6 32:1,5	minute 15:4 24:8	nailed 5:12
life 48:17,18	mail 6:25	MDOT'S 31:23	minutes 7:1 8:12,24 11:14, 16,21 12:6	names 12:9
limit 11:13,18, 20 12:5	mailed 8:12	meaning 15:10	MIOTTAWA. ORG 8:9	natural 9:7 14:24,25 15:10 16:15, 19 23:18 27:13,14 34:1 44:6,23 55:23 56:18
limited 31:5	main 15:14 40:12 47:25 48:17	means 27:5	mistaken 29:18	necessarily 16:18,19
limits 47:2	maintain 18:1 27:5,13 37:10	meeting 4:17, 19,24 5:17 8:20 13:16,17 48:14 54:23	mitigate 51:23	necessity 3:8 4:4 5:15 9:23 38:12 54:17
listen 3:2	maintained 34:6		model 21:1 58:10	
live 12:19,25 20:4 25:14 28:19 38:20 41:18,19 44:1 50:1			modern 20:19	
lived 40:12 42:23			Monday 4:17	
lives 25:1 39:20				
living 3:12				
located 14:6				

needing 17:15	29:11 30:19 31:12,18 33:5, 11 49:2,24 52:13,20,25 53:13,18 54:5, 9,14 59:10	21:24	6:8 11:18 14:1 16:12,24,25 36:20,24 37:23 40:12 41:2 44:16 51:6,24 52:3	20
negatively 34:23		orphan 30:16, 24 36:22		people's 12:9 55:6
negatives 28:1		Ottawa 2:5,6, 22 9:23 23:9 49:14 56:14 57:15		percentage 32:5
neighbor 50:25	<hr/> O <hr/>	otters 33:24, 25	partner 56:3,6 57:25 59:1	Perfect 25:11
neighboring 55:15 58:18	oath 5:20 8:19,20	outlet 22:25	partners 56:2,5	perform 9:20 46:11
neighbors 45:17 55:19 58:22	objection 48:25 59:6,11	outlets 15:1 22:1	parts 20:10	period 49:21
Nels 38:19 39:20	objections 48:23 59:9	outline 3:13 14:4 44:13	pass 49:19	permit 17:15, 17,21 18:3 34:10,17 46:6, 17,19
nesting 34:2	observed 33:17	overflow 56:4 57:12	past 9:4 45:24	permitted 41:4
neutral 5:24	occur 37:1 46:2,8 51:21	overflows 55:22,23	pastor 48:2,4, 9	path 43:5,10
newest 38:23	occurred 44:23 47:11	overlaps 20:14 38:6	pathway 39:5	pattern 21:6,9
Newhof 55:17	of' 5:25	overlapps 20:8	Paul 7:20,23 8:1 13:7,14,15 16:8,13 17:3,7 18:11 19:11 24:20,25 29:10,15 30:4, 18,21 31:15, 19 32:9 34:8, 12 35:3 38:9 42:9 46:16 49:17 53:22 58:9	perspective 18:2
news 17:23	office 2:8 8:7 21:8 29:23 34:13,14 55:16	overwhelmin g 39:7		petition 4:14, 20,25 5:7,8,9 25:1
nice 27:12 31:7	offices 7:22	owned 17:19 26:24		petitioned 16:16
night 2:16,17, 19,23 4:17,24 26:8	official 5:25 6:6 56:20	owner 25:9 37:7,10 51:12		PHILIP 48:4,9
normal 37:2	Olman 49:3 58:7	owners 5:5,8, 10 8:13 52:6 56:7 58:18,24		phone 8:8,16 49:11 58:4
north 15:6 19:18,24 22:2 31:13,16,21, 22 44:4	on-site 29:24 51:21	ownership 20:11		photo 15:4 22:10,19,21 24:7,14 25:5
northerly 15:1	open 15:9 32:15		paved 36:2	photos 14:17 22:8 25:3
notice 49:2	opinion 25:14	<hr/> P <hr/>	pavement 18:25 19:3	picture 24:3 40:19
noticed 22:13 41:1	opportunity 29:25 30:22 57:18	paid 28:3	pay 28:2,20 51:15	pictures 42:24
notices 8:12	opposed 10:22	pains 58:19	paying 19:1	piece 56:23
notifications 55:2	opposition 11:11 53:2,20	parcel 24:9	peace 11:15 52:18	Pinnacle 20:3 32:7 44:18
number 19:12 26:12,14 49:11	options 5:7	park 15:3 22:7,9,25 44:13 57:9,11	peak 21:18	pipe 30:14 36:13
Nykamp 7:15 10:4,15,21,24 11:9,22 12:4	oranges	parking 28:14 56:10	people 2:15, 17 3:7,12,22, 23 4:20 5:18 6:2,8,12 7:11 9:12 10:8 11:16 48:13 50:15,23 57:15 58:16,	pitch 21:18
		part 2:10 3:3		place 15:21 28:16 45:11,

13 50:4,18 51:3	29:25 32:11	34:11	puddle 46:25 47:1	44:15 51:22 55:20
plain 25:7	Powerpoint 13:9	properties 3:21 13:1	pulled 27:7	rainbow 21:23
planted 28:11	Prein 55:17	property 3:17 5:5,8,9 8:13 17:2,19 26:14, 18,24 28:12 32:18,24 33:1 36:3 37:7,10 39:4 41:2,9 51:12 52:6 55:21 58:18	purpose 49:12	rained 35:16
Plastics 40:11 56:7	present 49:14		pushing 31:20	rains 41:20
plays 56:23	presentation 13:8,18,20 14:13		put 3:23 11:13 18:8 29:17 30:6,8 45:15 52:5 57:10	raise 9:19
plenty 26:5 49:25	presenting 26:2		<hr/> Q <hr/>	raised 43:16
plug 23:25	pretty 2:23 24:17 33:1 35:25	propose 22:18		rate 27:9
plugged 25:19	primarily 15:9	proposed 34:20 49:8		rates 27:11
point 12:8 17:24 21:18 22:3,4,16 23:2 29:2 32:3 50:4 57:8	private 17:1,8 18:5 26:14	proposing 22:6,16	quality 17:12 34:20 56:19, 22	ravine 41:20 42:12 45:6
pointing 30:12	problem 4:3 6:5 20:16 23:12,16 25:24 35:19 36:21 43:18, 20 44:12 45:16 47:15, 22 50:21,22 57:24	prorate 19:5	question 16:7,14,25 17:25 18:7,12 31:15 33:22 34:5 36:2,6,9 37:15 41:21 42:11	ravines 21:5 51:8
points 21:1	problems 6:9 23:23 26:21, 23 36:4,5 44:11 47:5,10 48:15 52:5	pros 14:19 29:1	questions 5:21,23 11:15, 17,18 13:24, 25 14:9,21 15:15 19:17 29:2 32:12 48:12,13 49:1 59:7	reached 31:14
pole 28:9		protect 27:14, 23 35:2,4 56:21 58:21		read 49:4
pond 22:13 40:19		protected 34:11		real 30:17 43:18
ponds 40:15, 16 55:21		protecting 46:10 55:19 58:15		realize 57:16
pop 21:10		protection 53:5		reason 3:11 9:15 20:4
popping 21:25		protections 34:5		reassure 58:15
Port 29:5	proceed 14:24	provide 35:12	quick 42:11	receive 13:23 18:21 24:11
portion 18:10 48:23 53:6	PROCEEDIN GS 2:3	provided 35:13	Quincy 4:20 5:11 9:25 14:24 22:18 24:4,5,21 29:19 33:6,7, 9,16 37:25 38:20,21 40:11 41:10 42:23 43:12, 13,25 44:12 45:4,14 47:23 58:5	received 4:15 19:16
portions 31:23	proceeds 22:1	public 2:10 3:6,11 4:8 5:11 8:22 11:12,14,20 12:6,10,19,25 16:22 17:1 18:20 24:11 25:13 26:6 30:8 32:15,16 36:25 48:22, 23 49:21 53:5		receiving 23:24 27:9
pose 23:16	process 3:2, 25 4:19 6:2 14:1 16:3 54:20,25 55:3, 4		<hr/> R <hr/>	recently 29:17 36:3
position 7:12 36:4 50:3	project 3:9,10 5:13,16 15:16 28:17 35:12 38:12 47:7,8		rain 21:6 24:17 33:18	recommende d 54:3
positive 27:24 49:13	projects 28:2			record 6:17 12:12
possibly 3:24 5:17 49:18				recorded 6:11,16 12:11
pot 28:2				recorder 6:13 7:19
potentially 19:7 28:24,25				red 21:14,22 redo 36:10,14

reduce 27:21	review 34:20 55:16,17 57:22 58:9	Royal 40:11 41:1 56:7	sectional 20:11	similar 20:22
related 39:15	reviews 58:17	rule 6:4	sections 26:9,10	simplify 18:3
relationship 18:4 57:1	ridge 21:12	rules 11:13	sediment 23:20,25 25:19 27:21 39:25 43:3 58:12	simply 51:16
relief 13:2	right-of-way 31:24 49:9	rumors 6:4	sedimentatio n 51:10	sink 30:14
remains 15:12	right-of-ways 26:13	run 39:3 45:24 58:9	selection 3:23	sir 17:21
remember 24:15	Riley 19:21 21:16 33:6,15 37:22	running 8:20 22:10	septic 41:22, 24 42:3,5	sit 33:16 57:3
remind 32:17	riprap 23:3	runoff 19:3 28:10,11 41:13,14 56:11 57:21	serve 27:11	sits 33:15
request 4:16	rise 9:19	runs 18:24 41:8	service 28:7	situation 25:15 59:3
requested 13:2	river 23:13	Rush 36:11	set 58:8	size 16:11 32:19 57:21, 23
required 5:18 6:14 10:1 34:17 40:16	road 5:16 6:17 7:3,6 18:23 24:6,23 26:13 27:12 29:7 30:6,7,8 33:16 36:14,19 43:4, 13 45:12,14 48:16 49:3,14 50:14 55:2 57:20,22,24 58:4	rushing 50:1	sets 55:18	sized 58:5,8, 10
requirements 29:21,22	road/stream 49:7	<hr/> S <hr/>	sewer 15:12 30:1,5,7	sizing 57:19
requires 44:9	roads 18:21	safe 23:4	share 19:5 25:17 56:3	skiers 22:11
research 46:23	roadways 18:22 23:25	safety 27:18	Shc 48:4,9	slide 14:13,22 15:9 19:12,25 20:20 21:10 23:5,15 24:2 27:3
residents 2:13	roof 28:14	Sandra 37:21 38:7,14	sheds 3:18	slight 22:14
resources 2:4,5,8 6:7 7:24 8:2,4,11 9:22 10:6 17:9 18:2 27:15 28:16 29:23 34:14 42:8 47:17 54:2,24 55:13 56:18, 21	room 48:21	saturated 42:3	Sheldon 29:5	slow 35:2
responsibilit y 37:7,10	Rosemary 33:13 35:14	Savior 48:18	shoots 20:23	small 6:8 51:16
responsible 36:7,23 54:18	rough 53:24	scenario 24:18	short 32:21	snapped 25:3
rest 9:12 19:4	round 5:11 19:9	scheduling 2:25	shown 53:23	snow 24:16
retain 55:20	route 16:2	scope 5:13 28:16	Sid 40:10,24 41:7,12 42:25 57:7	solemnly 9:20
retention 40:15,16 51:21	row 32:20,21 35:22,23 38:17,18 40:9 41:17 42:20 45:3 48:3	screen 13:9, 11	side 15:5 19:19,20 23:19 24:4,6, 20,23 32:21 33:16,19,20 35:22 36:13 40:8 44:4,12	solid 50:24
retired 7:3 29:6,9	rows 12:8	secretary 6:24 8:6,21 10:10,25 11:5, 22 12:4 29:11 30:19 31:12, 18 33:5,11 49:2,24 52:13, 20,25 53:13, 18 54:5,9,14 59:10	signed 5:9 6:25	solution 4:6,7 5:6 40:18 47:9
			significant 25:7	solutions 47:5 57:6
			silted 43:15	solve 47:10, 15 50:21,22 51:24 52:4
				sort 14:11 19:4
				source 45:16
				Souter 7:3 10:5,12,19 11:2,7,23 12:2

29:5 30:2,15 33:8 50:13 52:9,18,23 53:9,16 54:12	32:4,20 58:11	stretch 22:19		19:4 20:1 23:14 31:7 39:9 45:13 48:17 50:17 52:1 53:21 55:24
south 15:5 19:22 21:16 24:4,23 44:21 45:7	starting 46:9	strong 55:9	<hr/> T <hr/>	things 9:5 18:3,4 20:18 23:14 24:1 27:25 29:3,24 34:1,12 35:7 38:2 46:7,22, 24 50:1 56:6, 19 57:5
southern 21:15	starts 19:12 22:4 30:11	studies 47:13	table 57:2	takeover 30:1
speak 16:16 25:11 37:18 38:9	state 3:21 6:14 7:22,23 8:5,22 17:10, 21 23:9 26:4 32:17	study 47:4	Tacoma 45:4 46:13,23 47:22 48:1	takes 27:15 45:11
southern 21:15	stated 53:23	stuff 37:6 50:7	taking 15:21 23:19 45:13 47:4	talk 9:12 11:12 14:6,15, 19 38:5 49:11 50:21 54:20 59:7
speak 16:16 25:11 37:18 38:9	stayed 26:13, 14	stupid 41:21	talked 50:15	thoughts 49:23 50:12
SPEAKER 24:19,24 32:7 37:19 55:11	staying 23:18	submit 34:17	talking 3:15 38:3 39:22 44:5 50:10,25 51:18	thousand 2:21 15:17
speaking 17:4,7 18:20	step 4:13 5:6 45:9 46:24	suitable 40:20	Talsma 37:21 38:7,14	thousands 55:8
speaking 17:4,7 18:20	steps 5:19 17:9	summarize 11:15,16	tap 14:11	three-minute 11:18
special 17:3	Steve 32:23	summary 13:19 42:7 46:15 47:16, 18	tax 18:18 52:4	throw 21:9
spend 17:1 47:3,15	STEVEN 32:23 33:7,10	Summegree n 44:6	taxed 28:24	Tim 45:4 46:13,23 47:22 48:1
spent 4:11	sticks 51:17	sunk 41:25	taxpayer's 28:18	time 2:14,19 3:1 4:23 7:13 9:16,18 13:24 14:21 17:19 23:11 27:2 29:21 32:12, 25
Spicer 7:20 13:8,15 34:9 55:16	storage 29:23,24 35:6, 12 57:11	supervisor 4:18 7:16 9:3 12:17,22,24 13:4	taxpayers' 57:4 58:1	times 2:23 9:4,6 17:8 18:2,18,25 20:13 23:23 24:11 28:5,18 30:5 32:1 40:5 45:8 48:13
spill 23:1 51:23	storm 15:12 29:12 30:1,5,7 35:2,6 40:16 46:11	support 10:14,15,17 11:1,2,4,23,25 52:12,13,14 53:8,9 54:4,5	technically 57:14	today 3:16,25 4:7 5:10,15 14:19 15:10, 23 18:15 20:18,19 49:4, 6 50:10
spillway 22:25 23:2	straight 25:6	supported 53:11 54:7	Temple 48:9	today's 55:4
spillways 57:12	stream 23:7, 12 27:8 32:4 39:3,18,22 45:11	surface 21:1 42:2	tend 18:19	toes 45:9
splits 33:1	streams 46:22 51:9,13	swear 9:20	terms 38:12 51:4	
spoke 25:13	street 4:21 5:11 9:25 14:24 19:21 21:16 22:18 24:4,5,21 29:7,19 36:1,2 37:22 42:23 43:12,13 44:1, 12 45:5,14 58:6	system 15:10 16:12 17:1 25:20 27:5 29:16,20 31:17,19,22, 25 34:21 36:22,25 41:8 42:3,5 51:6	testimony 3:7 4:2 8:22 32:15	
sports 15:3 22:7	stress 58:3	systems 29:12 30:1	thing 5:12 9:10 10:9 12:7 13:6 14:11	
spot 44:10 45:7				
spots 56:14				
square 15:18				
stabilized 25:21				
standing 25:8				
start 16:3 20:19 21:5 22:4 30:9				

told 36:11	twelve 23:15	Vanderiet 42:22 43:7,19, 22 44:1	40:16 42:8 44:6,10,13 45:12 46:11, 25 47:17 51:22 54:2,24 55:13,21 56:4, 19,21,22 57:9, 11,21	17,23,24 57:1 58:15
top 22:21 24:12,17,21	twigs 51:17	vegetation 27:10	watercourse 9:7 14:24,25 15:6 16:5 19:23 22:22 23:8,19 37:11 51:5 55:23	wide 7:22
topography 40:20	type 46:7	versus 17:15 19:4	watercourses 16:15,19 27:13	wild 34:2
touch 30:12	typically 18:9	vertical 27:8, 19	waters 43:18	winter 24:15
touched 27:4 29:3 39:9	<hr/> U <hr/>	viaduct 39:5	watershed 3:12,13,14 14:11,14 15:17,22 16:11 18:24 19:4,12 21:13, 21 28:3,20 31:8 39:15	wonderful 57:1
township 2:11 3:22 4:16 5:7 7:10,15 9:3,25 12:13, 14,17,22,23 13:4,16,19 18:9 19:8 29:6 30:10 38:16 44:3 46:4 47:7 53:5 58:24	underground 29:12	village 2:24	watersheds 28:25	wondering 45:25
townships 2:24 55:15	undermining 23:3	visits 8:17	ways 55:1,5	wood 23:13, 15 46:21
traffic 36:19	underneath 43:4,14	voice 25:14	Weber 33:13 35:14	woody 23:6 25:19 26:9,16 39:17
transparent 8:14	undersized 45:10,15 49:18	vote 7:12 45:22 52:2	website 6:21 8:16	Word 48:18
travel 26:11	understand 3:24 13:8 16:10 37:15, 25 56:10	voted 45:21	weeks 6:22 13:16	work 8:3 9:17 17:15 26:5 28:24 31:3 34:14,17 38:12 42:16 46:2 57:25 58:1,25
travelling 22:12	understandin g 4:1	<hr/> W <hr/>	washed 23:21	worked 7:3,4 18:23 46:7 47:9 50:14
treatment 35:6	understands 7:13	waiting 36:14	wash 26:20 46:24 57:12, 13	working 58:23
tree 23:7,17 37:12	UNIDENTIFIE D 37:19	wake 22:11	wanted 10:8 51:13 56:12 58:14	works 3:25 36:12
trees 9:9 23:9, 10 26:4 37:6 39:14,17,24 43:8 51:7,19 58:13	unique 15:24	walk 26:20 46:24 57:12, 13	War 11:15	world 35:10
tremendous 23:10 39:23	unknown 24:19,24 32:7 47:12 55:11	washed 23:21	washed 23:21	worry 27:17
truck 36:19	unusual 16:10,18 51:5	washing 39:25	watching 35:14	worst 24:18
Turkeys 34:3	upstream 24:6,20 40:14 45:11 57:16	watched 35:14	water 2:4,5,8 3:14,18,19 6:7 7:24 8:2,4,10 9:6,22 10:6 15:3 17:9 18:1,24 20:5 21:7,23 22:7, 9,24 23:1 24:9 25:8,19 27:14 28:15 29:18, 23 31:16,22, 25 32:2 34:14 35:2,6,16	wrong 31:25
turn 34:8 43:12,14 54:19	utilize 35:8	water 2:4,5,8 3:14,18,19 6:7 7:24 8:2,4,10 9:6,22 10:6 15:3 17:9 18:1,24 20:5 21:7,23 22:7, 9,24 23:1 24:9 25:8,19 27:14 28:15 29:18, 23 31:16,22, 25 32:2 34:14 35:2,6,16	welfare 18:20	Wychers 43:25 44:20
turned 44:9	utilizing 35:11	water 2:4,5,8 3:14,18,19 6:7 7:24 8:2,4,10 9:6,22 10:6 15:3 17:9 18:1,24 20:5 21:7,23 22:7, 9,24 23:1 24:9 25:8,19 27:14 28:15 29:18, 23 31:16,22, 25 32:2 34:14 35:2,6,16	wells 41:22,25	<hr/> Y <hr/>
turtles 33:24 55:11	<hr/> V <hr/>	water 2:4,5,8 3:14,18,19 6:7 7:24 8:2,4,10 9:6,22 10:6 15:3 17:9 18:1,24 20:5 21:7,23 22:7, 9,24 23:1 24:9 25:8,19 27:14 28:15 29:18, 23 31:16,22, 25 32:2 34:14 35:2,6,16	wetland 33:21 34:22 35:7 39:8 55:8	yard 43:11
	valley 33:20 35:16		wetlands 33:23 34:7,11 35:1,11 46:10 55:7,10 56:16,	year 40:5 42:17 57:10
	valleys 21:25			years 7:4,7 20:10 24:10 26:24 33:17 35:10 36:12

38:24 39:12
40:13 41:13
42:23,25 44:2,
3 47:15 50:14,
15 56:24
57:11,14

yellow 14:14
19:15 21:25
44:17

yellows 21:24

Z

Zeeland 7:15