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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: ROZEVELD RIDGE DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Wednesday,
September 14, 2022, at the Georgetown Township Offices, 1515
Baldwin Street, Jenison, Michigan, held before Marjorie A.
Covey, CSR-2616, Certified Shorthand Reporter and Notary
Public.

APPEARANCES:

Mr. Joe Bush, Ottawa County Water Resources Commissioner
Mr. Josiah Timmermans, Chief Deputy to Water Resources Comm.
Ms. Marie Snyder, Secretary

Mr. Bill Cargo, Board Chairman
Mr. Todd Wolters, Board Secretary
Mr. Josh Westgate, Board Member

Mr. Noah Szott, P.E., Spicer Group

Mr. Rod Weersing, Georgetown Township Manager

Mr. Jerry Olman, Ottawa County Road Commission

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Jenison, Michigan

September 14, 2022 - 10:00 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well good morning, everyone. It's 10 o'clock. Welcome to the Georgetown Township for the Rozeveld Ridge Drain Board of Determination.

I'm Joe Bush, your Ottawa County Water Resources Commissioner, or drain commissioner, one of the countywide electeds. And one of my jobs is when we get a petition, which we did from the people, is to, the next step after the verification and going through the legal stuff is to hold a Board of Determination because we received a petition.

And it's all through state Drain Code. So it's state law that I hold this public hearing for the public to give input on the issues that they're having. And when we do that, I appoint a three-panel board, and I'll do introductions and why I appointed these three gentlemen today. They've sat on a lot of boards for a lot of years.

But to get to that point we've had some water concerns and water issues over in this location. Everybody lives in a drain district or a watershed, and everybody got a mailing. So you guys obviously got the mailing because you're here this morning. So I appreciate you taking the time to give testimony, because this board has never seen this location, they don't know of any issues. I don't give

1 them a heads-up because I'm in a neutral position on this.

2 It's not my job to educate them and give them a
3 false sense of whether they vote for it or not. So basically
4 they hear public testimony, and then they go from there,
5 that's how they make their decision.

6 So after we get a petition, we hire an engineer to
7 do a preliminary, not a project. There is no cost determined
8 today, no assessment, no nothing today because we don't even
9 have a project unless this board determines it necessary.

10 So we ended up hiring Spicer Engineering. We have
11 Noah here today who is from Spicer Engineering. He's been
12 out there. He did a preliminary, he didn't do a total fix or
13 what the problems are. He might have spoke to some residents
14 out there walking in their backyard.

15 And that's all he's doing is a preliminary, until
16 we actually get a vote from the three-panel board whether to
17 say, yes, move forward; or not. They could turn it down, and
18 say, we don't think it's necessary to become a county drain,
19 maybe some minor maintenance or whatever.

20 The reason I appoint this three-panel board, they
21 don't have any properties over there, they're not affiliated
22 with Georgetown Township or any other committees in
23 Georgetown Township at all. So it's not your Georgetown
24 Township board. They live outside of this drain district and
25 preferably outside of the township.

1 But they are past leaders or current leaders within
2 their organization or their township. So that's why I hire
3 them.

4 The other part is, so we don't have a cost.
5 Everybody is like, what's this going to cost us? We don't
6 know that. We're here to hear testimony on the issues for
7 them to make a decision on is it determined necessary.
8 That's their only job today, does it make sense to put this
9 under Joe's department, myself, Joe, and move forward with a
10 project. That's the only reason we're here today.

11 Some people think we have a project, we'll know
12 what the fix is. We didn't hire the engineering firm to
13 spend that kind of money. If the board turns it down, we
14 don't want that big cost up front. We have to make sure we
15 don't do that.

16 So moving forward, again, this is just one of our
17 jobs we do in the Water Resources Commissioner is hold these
18 hearings.

19 We always have a court reporter. That's not
20 required by law, but I have that. I've been doing that since
21 2013, January 1st, when I got elected -- or got sworn in, I
22 should say, I was elected in 2012. But I always have a court
23 reporter for my protection, the board's protection, the
24 township's protection and the property owner's protection.

25 Because you can always go back and read the

1 minutes. If you go to the MIOttawa.org and look under Water
2 Resources Commissioner, you'll see all the petitions and all
3 the minutes court recorded. So then it's not somebody's
4 interpretation of what did he say, did Joe say that, did Joe
5 say a cost? Because we get a lot of these. And I don't want
6 to get mixed in the shuffle of what did I say or what did the
7 board say.

8 And it's court recorded. It's, this is what was
9 said word for word, based on the township, the board, me,
10 whoever is in the audience. So it's for everybody's
11 protection.

12 If you don't have internet access, or a way to get
13 them, you can contact our department and we're more than
14 happy to get those hard copies to you as well. Takes about
15 four to six weeks to get her copy.

16 That's why I hire her. It's very simple but it's
17 very -- we go back in five, eight years later, I go back and
18 read those minutes and what I said, because people forget
19 eventually. And I want to make sure I'm on the right track
20 for, again, for my constituents.

21 So I will go ahead and do introductions. I'll
22 start from my left to the right of my board. Again, when I
23 appoint either ladies or gentlemen, I have ladies at times
24 too, number one, their job is they got to know how to run a
25 meeting. That's very critical, Robert's Rules, how to run a

1 meeting.

2 Number two, they understand Drain Code, they've
3 been doing this a long time. And they understand the purpose
4 of why we're here to hear public testimony and hear you talk.
5 So I pick people who have been in leadership, I pick people
6 who understand Drain Code.

7 It's very complicated, but they do understand what
8 their purpose is for here today. And definitely they
9 understand why they're here. It's not to have a project or
10 anything, it's definitely just to hear testimony and make a
11 decision.

12 Their decision is important for you guys so I want
13 to make sure I have the right people at the table when I
14 appoint them.

15 So Todd Wolters is from Olive Township, he's their
16 current township supervisor in Olive.

17 And then in the center is Bill Cargo, he's the
18 manager of Grand Haven Township. He has been there a long
19 time. He's been chairing these for a long time. He does a
20 wonderful job. He asks a lot of questions, so be sure when
21 you speak, speak your name, address. And this is where you
22 get to share your information, whether you're for it, against
23 it, it doesn't matter, they're here to hear it.

24 Then we have Josh Westgate. Josh is a previous
25 supervisor in Wright Township, and he's very knowledgeable as

1 well in drainage, and how to run a meeting and what his
2 purpose is here today.

3 So these are the three gentlemen that I picked.

4 Again, Margie is our court reporter.

5 We have Rod Weersing, he's the township manager.

6 And then we have Noah from Spicer Group.

7 We have two of my staff; my secretary, Marie, and
8 my chief deputy, Josiah.

9 And we have the road commission, Jerry Olman is at
10 the road commission, he comes to a lot of these. The road
11 commission is one of our partners that we work with so he's
12 always involved and tries to give comment, if needed, because
13 there is road water in almost every drain district. So there
14 is a road somewhere or a ditch that runs into the watershed.

15 So other than that, I give these three gentlemen
16 the oath, and then they run the meeting. I'll sit back and
17 take any questions from the board later, but once I give them
18 the oath, they run the meeting.

19 Again, I'm not in favor, or not in favor of,
20 because again, by law, I have to appoint the board and have
21 them make that decision.

22 At this point I will have -- gentlemen, please rise
23 and raise your right hand.

24 Do you each solemnly swear that you will faithfully
25 perform and discharge the duties imposed upon you, as

1 required by law, as members of the Board of Determination,
2 appointed by the Ottawa County Water Resources Commissioner,
3 to determine the necessity to maintain, and improve the
4 Rozeveld Ridge Drain, located in Georgetown Township, in said
5 county, gentlemen?

6 (All said, "I do.")

7 WATER RESOURCES COMM. JOE BUSH: Thank you.

8 BOARD MEMBER BILL CARGO: The first thing we do is
9 we elect a chairperson and a secretary.

10 Do I have a motion to elect a chairperson?

11 BOARD MEMBER TODD WOLTERS: I'll nominate Bill
12 Cargo for Chair.

13 BOARD MEMBER JOSH WESTGATE: I will second that
14 motion.

15 BOARD MEMBER BILL CARGO: Motion made by Todd,
16 seconded by Josh for Bill Cargo, myself, to be the chair.

17 All in favor, say aye.

18 (All said, "Aye.")

19 BOARD MEMBER BILL CARGO: All opposed?

20 And it is passed.

21 Secondly, we decide who wants -- well obviously
22 it's going to be Todd.

23 BOARD MEMBER JOSH WESTGATE: I will make a motion
24 that Todd Wolters serve as secretary.

25 BOARD CHAIRPERSON BILL CARGO: I will suppose that

1 motion.

2 We have a motion and support.

3 All in favor, say aye.

4 (All said, "Aye.")

5 BOARD CHAIRPERSON BILL CARGO: And, Todd, you are
6 the secretary for this.

7 And then we have rules for public comment.

8 Basically these are time limits on how long we go. You can
9 summarize War And Peace in about three minutes, so that's
10 normally what we put for the comments. We want to hear your
11 comments, but if you would limit them to three minutes, we'd
12 appreciate it.

13 All in favor of limiting public comments to three
14 minutes, say aye.

15 (All said, "Aye.")

16 BOARD CHAIRPERSON BILL CARGO: And there is support
17 for that.

18 Next we've already talked about the outline of the
19 determination process. Joe Bush did during the introduction.

20 So now we're going to hear the engineer.

21 Who is going to give a presentation on this? I'm
22 sorry, I've not met you before.

23 ENGINEER NOAH SZOTT: Noah.

24 BOARD CHAIRPERSON BILL CARGO: I have met you
25 before, I think. I'm sorry, Noah. That's my fault.

1 Noah, would you give a presentation to this board?

2 ENGINEER NOAH SZOTT: Thank you, Board.

3 Like Joe said earlier, I'm Noah Szott, I work with
4 Spicer Group. And I did a preliminary inspection of the
5 Rozeveld Ridge Drain, and I'm here to present some of my
6 findings.

7 BOARD CHAIRPERSON BILL CARGO: Do you have -- I can
8 barely hear you. Do you have one of these that you can wear?

9 Thank you.

10 ENGINEER NOAH SZOTT: So a brief outline of my
11 presentation, we'll be looking at the location of the drain,
12 a brief background and history, drainage district boundary,
13 some photos from my inspection, and then I'll open it up to
14 questions from the board.

15 So the drain is at the red star, so it's east of
16 Hudsonville, north of 196. We're between Van Buren and Barry
17 Street, just west of 16th Avenue.

18 For the background and history of this drain, it
19 was established by 433 Agreements in three different phases,
20 in 2002, 2003 and 2004. 433 Agreement just means it was
21 established with a developer as they were building the
22 neighborhood, and then they turned it over to the Water
23 Resources Commissioner when they were done.

24 The watershed is about 38 acres. There are 71
25 parcels in that watershed. The drain length is just under

1 3500 feet, and the land use is all residential.

2 So this is the watershed boundary. Again, it's
3 this red line. And there are three different sections, just
4 to represent three different phases, but they have all been
5 consolidated and they're treated as one drain. So we're
6 looking at the outer boundary.

7 And then this next slide is that same boundary over
8 laid with topography data. The white down here is like snow
9 on the mountains and the ponds are kind of like a bluish
10 green to represent the lowest points on this page.

11 And as you can see, the boundary is kind of boxy.
12 It doesn't quite fit the topography data because generally
13 with 433s, the developer just makes the boundary the outline
14 of the neighborhood, and they don't really take into account
15 topography.

16 So if there were to be a project on this drain, we
17 would update the boundaries so that it matches the actual
18 watershed that contributes water to the drain.

19 And then again, this is just another map of the
20 watershed. And I'll highlight this yellow circle because
21 that's where a lot of the complaints and issues are, so
22 that's where the majority of my photos will be taken from.

23 So this first photo is of saturated sod, which is
24 kind of hard to take a photo to represent that so I tried to
25 take a video to show it. Let's see if this works.

1 You can see my boot is kind of squishing around and
2 water is coming up around it.

3 Now on the day of my inspection this was actually,
4 one of the neighbors had just finished irrigating their lawn.
5 So it's not rain water, but sprinkler water. But it
6 demonstrates that if there were to be a heavy enough rain,
7 the ground would act like this.

8 So this is the only picture that's outside of that
9 yellow circle. When I did my inspection I walked the whole
10 drain, top to bottom, and there is a black pipe underneath
11 those rocks. And that metal flared end section is supposed
12 to be attached to the pipe, but clearly it is not.

13 It's kind of a minor issue, but it would be
14 something that would need to be fixed if there was a project.

15 And then there is a retaining wall in that yellow
16 circle. And it shows signs of water seepage and soil seepage
17 from underneath from water that comes down the hill, and the
18 lack of drainage. And then this wall will also be visible in
19 some of the upcoming photos which were taken by a resident
20 during an actual rain event from earlier this year.

21 So this picture is flooding in the backyards, you
22 can see there is puddles. This is taken at 7:30 p.m. on
23 August 20th, earlier this year.

24 And the next photo is 8:30 p.m., so an hour later.
25 Some of the larger puddles are already gone, but there is

1 still minor standing water in the yards. And these photos
2 are looking southeast.

3 The next photo is looking northeast from the same
4 point. And you can see there is puddles, again, in the rear
5 lots, and this was taken at 8:30 as well.

6 The next photo is 6:30 the next morning and the
7 puddles are gone. I can't tell if the sod is still
8 saturated, but there is no standing water.

9 And then the next photo is the very next day on
10 August 22, and you can see there are still no puddles.
11 Again, I can't tell if the sod is saturated, but there is no
12 standing water.

13 And the last photo is looking southeast, and the
14 retaining wall is in that photo. And again there is no
15 puddles, no standing water.

16 So the next steps in this process, if this project
17 is found not necessary today, there will be no petition
18 project. There will be potential maintenance like Joe can go
19 in and still has some money to fix some minor issues, he can
20 fix the flared end, but there would be no major project on
21 the drain. And there is by law no new petition can be
22 entertained on the Rozeveld Ridge Drain for one year.

23 If the project is found necessary, we'll do some
24 more in-depth engineering, final design. We might need to
25 get easements, might need to get permits from the state.

1 Once we get easements, permits and final design, we'll bid it
2 out to contractors. And then we'll have a Day of Review.

3 The Day of Review is the next important day for
4 folks out there. We'll send out a notice and it's your next
5 opportunity to come into the Water Resources office and
6 discuss the project and assessments.

7 And then after the Day of Review we will then
8 construct the project.

9 I'd like to open it up to questions from the board.

10 BOARD CHAIRPERSON BILL CARGO: I see actually two
11 issues here. I see the issue raised by the residents of some
12 standing water.

13 The second issue I see is that the boundaries don't
14 really reflect the drainage district. And so the question I
15 have is are we here today as a board to deal with the
16 question of whether the standing water is sufficient, or are
17 we here to also correct the borders of this existing storm
18 drain district?

19 ENGINEER NOAH SZOTT: We are not here to correct
20 the boundary, we are only here to determine if the standing
21 water is sufficient.

22 BOARD CHAIRPERSON BILL CARGO: So no notice has
23 been given to the people who are outside of the boundary --
24 this district, even though obviously water is going from
25 their area into the district?

1 ENGINEER NOAH SZOTT: Correct.

2 BOARD CHAIRPERSON BILL CARGO: So that could be a
3 future issue. Okay. Thank you.

4 Any other questions? Todd?

5 BOARD SECRETARY TODD WOLTERS: Not at this time.

6 BOARD CHAIRPERSON BILL CARGO: Josh?

7 BOARD MEMBER JOSH WESTGATE: Not at this time. I'd
8 like to hear public comment on this.

9 BOARD CHAIRPERSON BILL CARGO: Okay. At this
10 stage, I'll open it up for public comment.

11 The only thing I would say is I'd ask that you
12 would come to the podium, give your name and address, and if
13 you have any comments, at that time you will share them.

14 I'll start -- well first of all I'll start with the
15 road commission.

16 Do we have anything, Jerry, from the road
17 commission?

18 ROAD COMMISSION JERRY OLMAN: Yes, Jerry Olman with
19 the Ottawa County Road Commission.

20 Yeah, there is quite an issue here that back in the
21 early '80s, McClelland and 16th was improved. And right on
22 the bend a couple of catch basins were placed. It's a valley
23 gutter street through there. And the water -- there is about
24 a 70 to 80-foot drop from McClelland down to the backyards of
25 Rozeveld Ridge. And the water exits those catch basins to

1 the northwest and goes through the backyards.

2 I'd say this was done back in the '80s and Rozeveld
3 Ridge was built in the early 2000s. So at the time, you
4 know, it wasn't an issue.

5 But it's my opinion that this water wasn't properly
6 accounted for during the development, so a lot of this water
7 is what's creating the issue in the backyards, along with the
8 slope of the 80-foot drop from McClelland down.

9 BOARD CHAIRPERSON BILL CARGO: So some of the water
10 in the backyard is coming from the storm water system in the
11 streets?

12 ROAD COMMISSION JERRY OLMAN: Yes.

13 BOARD CHAIRPERSON BILL CARGO: Okay. I didn't
14 understand that. Thank you.

15 BOARD SECRETARY TODD WOLTERS: Stevendale Drive,
16 it's 80 foot? Is that where you're talking about the drop
17 from there?

18 ROAD COMMISSION JERRY OLMAN: From McClelland down
19 to the backyards on Stevendale Drive.

20 And McClelland is outside the drainage district.

21 ENGINEER NOAH SZOTT: If you look on the map, it
22 would be up here.

23 ROAD COMMISSION JERRY OLMAN: This is the curve on
24 McClelland and 16th. There is a couple of catch basins
25 here --

1 ENGINEER NOAH SZOTT: Never mind.

2 ROAD COMMISSION JERRY OLMAN: -- that water flows
3 along this property line, and along this backyard and around
4 (indicating).

5 BOARD CHAIRPERSON BILL CARGO: So the problem
6 you're seeing is actually coming from outside of the drainage
7 district into this drainage district that doesn't really have
8 the proper boundaries?

9 ROAD COMMISSION JERRY OLMAN: Right. So my opinion
10 is the boundaries should be expanded to include that. I
11 don't know if that's something that can be done here today.

12 BOARD CHAIRPERSON BILL CARGO: Okay. Thank you,
13 Jerry.

14 Obviously there is nobody else in the front row.

15 In the second row, if anybody would like to make a
16 comment in the second row? The gentleman in the aisle?

17 Again, just give your name and address.

18 MR. LON GERBERS: Lon Gerbers, 1777 Ericridge
19 Drive. I've lived there for 18 years, we were one of the
20 first ones in the second part of the development there.

21 And I remember when the contractor was digging for
22 the pond behind my house. They were trying to put one over
23 in the area that they were talking there, and they couldn't
24 get water.

25 And so it's like, did anybody check the soil

1 composition over in that area? I've got at least a foot of
2 topsoil with clay in it in my backyard. If I go out in the
3 spring, it's mushy. In the fall, it's dry.

4 And I just wondered -- and since the road
5 commission says that the drainage is coming from outside the
6 area, are we going to take care of it that way? Or is it
7 going to cut into one of the other properties to go into a
8 pond?

9 That's what I'm wondering, what's going to be done
10 with it.

11 BOARD CHAIRPERSON BILL CARGO: Yeah, thank you.

12 And then in the very back?

13 MS. PAT KOOLE: My name is Pat Koole. I live at
14 5416 Stevendale drive.

15 I'm the one that kind of started this all because
16 we moved here three years ago, and the first two years for
17 sure, this year was a little bit better because it's been a
18 dry summer, but our backyard is basically like he showed the
19 pictures. You don't see standing water, but you cannot walk
20 into it, you will sink up to your ankles.

21 Two-thirds, two or three-fourths of our backyard is
22 always water, it's never without water.

23 I have pictures to show you how we try to mow our
24 lawn. I cannot let any of our grandchildren or children play
25 back there because it's a total mess. I can't put anything

1 back there, our backyard is totally useless.

2 Looking at our property, we are probably the
3 lowest, we're the last house that was put in the development
4 and we're at the lowest edge.

5 We have four or five properties coming down the
6 hill that drain into our yard. We have the whole ridge up
7 above that drains into our yard. Ours was that, you know,
8 brick wall that you saw. And it completely fell over this
9 year, so my husband put it back up again, hoping it stays a
10 little longer than a year this time.

11 We also have the drainage from 68th coming down.

12 The people that were just above us sent me some
13 pictures yesterday and that was of all the erosion that was
14 in his yard because of the water that comes down the hill
15 there. But it eventually comes into our yard. And he tried
16 to put trees around there to try and stop it or slow it down.
17 It didn't help. The trees are all dying, maybe from too much
18 water.

19 It's just that there is a problem there. The
20 drainage basically is not sufficient.

21 If you go down from us, to the drainage point that
22 goes into the pond, all of the properties there you can see
23 are just a little bit higher on one edge than the other. So
24 the drainage is not leaving our yard, it is not going past
25 the next two yards, and it's not getting into the pipe

1 sufficiently like it should.

2 So I did speak with both this gentleman and this
3 one (indicating). They both had spoken with us or come out
4 to the property to see what was going on.

5 And I guess I just hope that maybe something can be
6 done to alleviate this situation.

7 There is a number of pools that also kind of drain
8 into the yard. So we're kind of stuck.

9 And we did not know about this problem when we
10 moved there. So we're just trying to fix it.

11 But the five people or six people that I did have
12 the petition signed by all have an issue as well. I have it
13 written down here if anybody would like to look at it.

14 But everyone that I asked to sign the petition had
15 a question and a problem of their own that is ongoing.

16 BOARD CHAIRPERSON BILL CARGO: Okay.

17 MS. PAT KOOLE: So basically that's it.

18 BOARD SECRETARY TODD WOLTERS: On the people who
19 signed the petition, how are they located from where you're
20 located? Are they your neighbors, or are they on other
21 streets?

22 MS. PAT KOOLE: They're all neighbors. Our house,
23 and then we went the four people next to us that all have
24 water in the backyard when it rains. And then three people
25 that are on the ridge above us. So they're all draining into

1 our yard as well, but they also have problems.

2 They cannot mow their yard when it gets any kind of
3 rain, they slide down their hill. They have erosion in their
4 area. Like I said, I have pictures if anyone cares to see
5 it.

6 BOARD CHAIRPERSON BILL CARGO: You can share your
7 pictures, if you want to bring them up here. That would be
8 great.

9 The other thing -- I think that's it for the public
10 comment because there is no other public in the room.

11 But before we do that, we did receive a file from
12 Grant and Terry Suess, and they live at 5430 Stevendale
13 Drive.

14 And they are talking about this Board of
15 Determination hearing, and they are simply saying they do not
16 want their property altered. They do not want to pay for
17 anything to alter their property, and they are not in support
18 of any improvements. They don't believe they have any
19 problems or issues.

20 And so I'll enter that into the record. Again,
21 it's a blue file from Grant and Terry Suess.

22 And we are looking right now at photos on a phone
23 from the last person who testified showing erosion above
24 their, at a higher elevation from their property.

25 Thank you.

1 MS. PAT KOOLE: You're welcome.

2 BOARD CHAIRPERSON BILL CARGO: At this point, I'm
3 going to close the period for public testimony. And we will
4 have discussion among ourselves.

5 I have a question here though, and I'm not quite --
6 this is an unusual Board of Determination for me in as much
7 as there seems to be a lot of water flowing into this
8 existing drainage district from outside the drainage
9 district, that's not part of this drainage district. And
10 typically every property in the township -- or in the county
11 is part of some drainage district.

12 If we find that there is an issue, but part of the
13 issue is not created by this drainage district in front of us
14 today, but from water coming from outside the drainage
15 district, how would we respond as a Board of Determination?

16 Would we determine that there is a need, and then
17 simply allow the drain commissioner to expand the boundary?
18 Is that the correct procedure?

19 WATER RESOURCES COMM. JOE BUSH: Correct. We'd
20 have another, not a public hearing but actually a Day of
21 Review for the drain district.

22 BOARD CHAIRPERSON BILL CARGO: So you would then be
23 able to expand the boundaries using that methodology?

24 WATER RESOURCES COMM. JOE BUSH: Correct.

25 BOARD CHAIRPERSON BILL CARGO: Okay. That helps

1 me.

2 BOARD SECRETARY TODD WOLTERS: That's the question
3 I had.

4 BOARD CHAIRPERSON BILL CARGO: Todd, do you have
5 any questions or comments?

6 BOARD SECRETARY TODD WOLTERS: No. I think I see a
7 need here at this time. But where it's created, I guess it's
8 not up to us to decide. It will be up to you guys to figure
9 that out, the drain commissioner and stuff. Nothing more
10 frustrating than having standing water all the time in your
11 backyard.

12 BOARD MEMBER JOSH WESTGATE: Correct.

13 BOARD CHAIRPERSON BILL CARGO: Josh, do you have
14 anything you'd like to add?

15 BOARD MEMBER JOSH WESTGATE: No. I do see
16 obviously there is a need here, obviously from public
17 testimony and the pictures that was presented to us.

18 Obviously, it looks like maybe some of this may be
19 outside of the drainage district, but it looks like that's
20 something that can be corrected down the line.

21 BOARD CHAIRPERSON BILL CARGO: And for me, the
22 testimony from the Ottawa County Road Commission stating that
23 there was a problem from outside the drainage district,
24 dumping water into this drainage district without any
25 controls, to me is an important factor too. So I agree there

1 is a need for this project.

2 And as such, I am going to find the proper motion
3 to make.

4 I will make a motion that the maintenance and
5 improvements to the Rozeveld Ridge Drain, as petitioned on
6 May 7th, 2022, is necessary and conducive to the public
7 health, convenience or welfare.

8 BOARD SECRETARY TODD WOLTERS: I support that.

9 BOARD CHAIRPERSON BILL CARGO: We have a motion,
10 and support.

11 Any other discussion?

12 Then all in favor, say aye.

13 (All said, "Aye.")

14 BOARD CHAIRPERSON BILL CARGO: And so we have found
15 that this is necessary and conducive to the public health.

16 That said, any other comments from the board
17 members before we turn this over to the drain commissioner to
18 talk about the appeal process?

19 BOARD SECRETARY TODD WOLTERS: No.

20 BOARD CHAIRPERSON BILL CARGO: Joe, do you have
21 anything you want to say about the appeal process?

22 WATER RESOURCES COMM. JOE BUSH: I do.

23 If anybody wanted to appeal today's decision, you
24 can do that ten days from today, and that's through circuit
25 court. So if somebody wanted to appeal today's decision, by

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law you can do that, but you have to file with the circuit

court, not our department. So just FYI.

BOARD CHAIRPERSON BILL CARGO: Then without
objection, we will adjourn this Board of Determination
hearing.

(Board of Determination adjourned at 10:30 a.m.)

WORD INDEX

< 0 >

084-004911

26:19

< 1 >

10 2:5**10:00** 1:8 2:2**10:30** 25:6**14** 1:9 2:2

26:11, 19

1515 1:9**16th** 10:17

15:21 16:24

1777 17:18**18** 17:19**196** 10:16**1st** 4:21

< 2 >

20 26:14**2000s** 16:3**2002** 10:20**2003** 10:20**2004** 10:20**20-0468** 26:18**20109173**

26:18

2012 4:22**2013** 4:21**2022** 1:9 2:2

24:6 26:11, 14

2027 26:19**20th** 12:23**22** 13:10**26** 26:8

< 3 >

3500 11:1**38** 10:24

< 4 >

433 10:19, 20**433s** 11:13

< 5 >

5416 18:14**5430** 21:12

< 6 >

6:30 13:6**68th** 19:11

< 7 >

7:30 12:22**70** 15:24**71** 10:24**7th** 24:6

< 8 >

8:30 12:24

13:5

80 16:16**80-foot** 15:24

16:8

80s 15:21

16:2

< A >

a.m 1:8 2:2

25:6

able 22:23**access** 5:12**account** 11:14**accounted**

16:6

acres 10:24**act** 12:7**actual** 11:17

12:20

add 23:14**address** 6:21

15:12 17:17

adjourn 25:4**adjourned**

25:6

affiliated 3:21**ago** 18:16**agree** 23:25**Agreement**

10:20

Agreements

10:19

ahead 5:21**aisle** 17:16**alleviate** 20:6**allow** 22:17**alter** 21:17**altered** 21:16**ankles** 18:20**anybody**

17:15, 25

20:13 24:23

appeal 24:18,

21, 23, 25

APPEARANCE**S** 1:15**appoint** 2:16

3:20 5:23

6:14 7:20

appointed

2:17 8:2

appreciate

2:23 9:12

area 14:25

17:23 18:1, 6

21:4

asked 20:14**asks** 6:20**assessment**

3:8

assessments

14:6

attached

12:12

audience 5:10**August** 12:23

13:10

Avenue 10:17**aye** 8:17, 18

9:3, 4, 14, 15

24:12, 13

< B >

back 4:25

5:17 7:16

15:20 16:2

18:12, 25

19:1, 9

background

10:12, 18

backyard

3:14 16:10

17:3 18:2, 18,

21 19:1

20:24 23:11

backyards

12:21 15:24

16:1, 7, 19

Baldwin 1:10**barely** 10:8**Barry** 10:16**based** 5:9**basically** 3:3

9:8 18:18

19:20 20:17

basins 15:22,

25 16:24

believe 21:18**bend** 15:22**better** 18:17**bid** 14:1**big** 4:14**Bill** 1:17

6:17 8:8, 11,

15, 16, 19, 25

9:5, 16, 24

10:7 14:10,

22 15:2, 6, 9

16:9, 13 17:5,

12 18:11

20:16 21:6

22:2, 22, 25

23:4, 13, 21

24:9, 14, 20

25:3

bit 18:17

19:23

black 12:10**blue** 21:21**bluish** 11:9**BOARD** 1:5,

17, 19 2:6, 12,

16, 24 3:9, 16,

20, 24 4:13

5:7, 9, 22

7:17, 20 8:1,

8, 11, 13, 15,

19, 23, 25 9:5,

16, 24 10:1, 2,

7, 14 14:9, 10,

15, 22 15:2, 5,

6, 7, 9 16:9,

13, 15 17:5,

12 18:11

20:16, 18

21:6, 14 22:2,

6, 15, 22, 25

23:2, 4, 6, 12,

13, 15, 21

24:8, 9, 14, 16,

19, 20 25:3, 4,

6 26:10

boards 2:18**board's** 4:23**boot** 12:1**borders** 14:17**bottom** 12:10**boundaries**

11:17 14:13

17:8, 10 22:23

boundary

10:12 11:2, 6,

7, 11, 13

14:20, 23

22:17

boxy 11:11**brick** 19:8**brief** 10:10, 12**bring** 21:7**building** 10:21**built** 16:3**Buren** 10:16**Bush** 1:16

2:4, 7 8:7

9:19 22:19,

24 24:22

< C >

care 18:6**cares** 21:4**Cargo** 1:17

6:17 8:8, 12,

15, 16, 19, 25

9:5, 16, 24

10:7 14:10,

22 15:2, 6, 9

16:9, 13 17:5,

12 18:11

20:16 21:6

22:2, 22, 25

23:4, 13, 21

24:9, 14, 20

25:3

catch 15:22,

25 16:24

center 6:17**CERTIFICATIO****N** 26:1**Certified** 1:11**certify** 26:8**Chair** 8:12, 16**chairing** 6:19**Chairman**

1:17

chairperson

8:9, 10, 25

9:5, 16, 24

10:7 14:10,

22 15:2, 6, 9

16:9, 13 17:5,

12 18:11

20:16 21:6

22:2, 22, 25

23:4, 13, 21

24:9, 14, 20

25:3

check 17:25**Chief** 1:16

7:8

children 18:24**circle** 11:20

12:9, 16

circuit 24:24

25:1

clay 18:2**clearly** 12:12**close** 22:3**Code** 2:13

6:2, 6

come 14:5

15:12 20:3

comes 7:10
12:17 19:14,
15
coming 12:2
16:10 17:6
18:5 19:5, 11
22:14
Comm 1:16
2:4 8:7
22:19, 24
24:22
commenced
1:8
comment
7:12 9:7
15:8, 10
17:16 21:10
comments
9:10, 11, 13
15:13 23:5
24:16
Commission
1:23 7:9, 10,
11 15:15, 17,
18, 19 16:12,
18, 23 17:2, 9
18:5 23:22
Commissioner
1:16 2:8
4:17 5:2 8:2
10:23 22:17
23:9 24:17
committees
3:22
complaints
11:21
complete 26:9
completely
19:8
complicated
6:7
composition
18:1
concerns 2:20
conductive
24:6, 15
consisting
26:8
consolidated
11:5
constituents
5:20
construct 14:8
contact 5:13
contractor
17:21

contractors
14:2
contributes
11:18
controls 23:25
convenience
24:7
copies 5:14
copy 5:15
correct 14:17,
19 15:1
22:18, 19, 24
23:12 26:9
corrected
23:20
cost 3:7 4:4,
5, 14 5:5
COUNTY 1:2,
16, 23 2:7
3:18 8:2, 5
15:19 22:10
23:22 26:6, 21
countywide
2:8
couple 15:22
16:24
court 4:19, 22
5:3, 8 7:4
24:25 25:2
26:1
Covey 1:11
26:17
created 22:13
23:7
creating 16:7
critical 5:25
CSR-2616
1:11 26:17
current 4:1
6:16
curve 16:23
cut 18:7

< D >
data 11:8, 12
DATE 26:14
day 12:3
13:9 14:2, 3,
7 22:20
days 24:24
deal 14:15
decide 8:21
23:8
decision 3:5
4:7 6:11, 12
7:21 24:23, 25

definitely 6:8,
10
demonstrates
12:6
department
4:9 5:13 25:2
Deputy 1:16
7:8
design 13:24
14:1
**DETERMINATI
ON** 1:5 2:6,
12 8:1 9:19
21:15 22:6,
15 25:4, 6
26:10
determine 8:3
14:20 22:16
determined
3:7 4:7
determines
3:9
developer
10:21 11:13
development
16:6 17:20
19:3
different
10:19 11:3, 4
digging 17:21
discharge
7:25
discuss 14:6
discussion
22:4 24:11
district 2:21
3:24 7:13
10:12 14:14,
18, 24, 25
16:20 17:7
22:8, 9, 11, 13,
15, 21 23:19,
23, 24
ditch 7:14
doing 3:15
4:20 6:3
DRAIN 1:4
2:6, 8, 13, 21
3:18, 24 6:2,
6 7:13 8:4
10:5, 11, 15,
18, 25 11:5,
16, 18 12:10
13:21, 22
14:18 19:6
20:7 22:17,

21 23:9 24:5,
17 26:10
drainage 7:1
10:12 12:18
14:14 16:20
17:6, 7 18:5
19:11, 20, 21,
24 22:8, 9, 11,
13, 14 23:19,
23, 24
draining 20:25
drains 19:7
Drive 16:15,
19 17:19
18:14 21:13
drop 15:24
16:8, 16
dry 18:3, 18
dumping
23:24
duties 7:25
dying 19:17

< E >
earlier 10:3
12:20, 23
early 15:21
16:3
easements
13:25 14:1
east 10:15
edge 19:4, 23
educate 3:2
eight 5:17
either 5:23
elect 8:9, 10
elected 4:21,
22
electeds 2:9
elevation
21:24
ended 3:10
engineer 3:6
9:20, 23 10:2,
10 14:19
15:1 16:21
17:1
Engineering
3:10, 11 4:12
13:24
enter 21:20
entertained
13:22
Ericridge
17:18
erosion 19:13
21:3, 23

established
10:19, 21
event 12:20
eventually
5:19 19:15
Everybody
2:20, 21 4:5
everybody's
5:10
existing
14:17 22:8
exits 15:25
expand 22:17,
23
expanded
17:10
Expires 26:19

< F >
factor 23:25
faithfully 7:24
fall 18:3
false 3:3
fault 9:25
favor 7:19
8:17 9:3, 13
24:12
feet 11:1
fell 19:8
figure 23:8
file 21:11, 21
25:1
final 13:24
14:1
find 22:12
24:2
findings 10:6
finished 12:4
firm 4:12
first 8:8
11:23 15:14
17:20 18:16
fit 11:12
five 5:17
19:5 20:11
fix 3:12 4:12
13:19, 20
20:10
fixed 12:14
flared 12:11
13:20
flooding 12:21
flowing 22:7
flows 17:2
folks 14:4
foot 16:16

18:1
forget 5:18
forward 3:17
4:9, 16
found 13:17,
23 24:14
four 5:15
19:5 20:23
front 4:14
17:14 22:13
frustrating
23:10
future 15:3
FYI 25:2

< G >
generally
11:12
gentleman
17:16 20:2
gentlemen
2:17 5:23
7:3, 15, 22 8:5
Georgetown
1:9, 22 2:5
3:22, 23 8:4
GERBERS
17:18
getting 19:25
give 2:15, 24,
25 3:2 7:12,
15, 17 9:21
10:1 15:12
17:17
given 14:23
go 3:4 4:25
5:1, 17, 21
9:8 13:18
18:2, 7 19:21
goes 16:1
19:22
going 2:11
4:5 8:22
9:20, 21
14:24 18:6, 7,
9 19:24 20:4
22:3 24:2
good 2:4
Grand 6:18
grandchildren
18:24
Grant 21:12,
21
great 21:8
green 11:10
ground 12:7

Group 1:21
7:6 10:4
guess 20:5
23:7
gutter 15:23
guys 2:22
6:12 23:8

< H >
hand 7:23
happy 5:14
hard 5:14
11:24
Haven 6:18
heads-up 3:1
health 24:7,
15
hear 3:4 4:6
6:4, 10, 23
9:10, 20 10:8
15:8
hearing 2:14
21:15 22:20
25:5
hearings 4:18
heavy 12:6
held 1:10
26:10
help 19:17
helps 22:25
higher 19:23
21:24
highlight
11:20
hill 12:17
19:6, 14 21:3
hire 3:6 4:2,
12 5:16
hiring 3:10
history 10:12,
18
hold 2:11, 14
4:17
hope 20:5
hoping 19:9
hour 12:24
house 17:22
19:3 20:22
Hudsonville
10:16
husband 19:9

< I >
Illinois 26:19
important
6:12 14:3

23:25
imposed 7:25
improve 8:3
improved
15:21
improvements
21:18 24:5
include 17:10
in-depth 13:24
indicating
17:4 20:3
information
6:22
input 2:15
inspection
10:4, 13 12:3,
9
internet 5:12
interpretation
5:4
introduction
9:19
introductions
2:17 5:21
involved 7:12
irrigating 12:4
issue 12:13
14:11, 13
15:3, 20 16:4,
7 20:12
22:12, 13
issues 2:15,
20, 25 4:6
11:21 13:19
14:11 21:19

< J >
January 4:21
Jenison 1:10
2:1
Jerry 1:23
7:9 15:16, 18
16:12, 18, 23
17:2, 9, 13
job 3:2 4:8
5:24 6:20
jobs 2:9 4:17
Joe 1:16 2:4,
7 4:9 5:4
8:7 9:19
10:3 13:18
22:19, 24
24:20, 22
Joe's 4:9
Josh 1:19
6:24 8:13, 16,

23 15:6, 7
23:12, 13, 15
Josiah 1:16
7:8

< K >
kind 4:13
11:9, 11, 24
12:1, 13
18:15 20:7, 8
21:2
know 2:25
4:6, 11 5:24
16:4 17:11
19:7 20:9

knowledgeable
6:25
KOOLE 18:13
20:17, 22 22:1

< L >
lack 12:18
ladies 5:23
laid 11:8
land 11:1
larger 12:25
law 2:14
4:20 7:20
8:1 13:21
25:1
lawn 12:4
18:24
leaders 4:1
leadership 6:5
leaving 19:24
left 5:22
legal 2:11
length 10:25
License 26:17,
18, 19
limit 9:11
limiting 9:13
limits 9:8
line 11:3
17:3 23:20
little 18:17
19:10, 23
live 3:24
18:13 21:12
lived 17:19
lives 2:21
located 8:4
20:19, 20
location 2:20,
25 10:11
LON 17:18

long 6:3, 18,
19 9:8
longer 19:10
look 5:1
16:21 20:13
looking 10:11
11:6 13:2, 3,
13 19:2 21:22
looks 23:18,
19
lot 2:18 5:5
6:20 7:10
11:21 16:6
22:7
lots 13:5
lowest 11:10
19:3, 4

< M >
mailing 2:22
maintain 8:3
maintenance
3:19 13:18
24:4
major 13:20
majority 11:22
Manager 1:22
6:18 7:5
map 11:19
16:21
Margie 7:4
Marie 1:17
7:7
Marjorie 1:10
26:17
matches
11:17
matter 6:23
McClelland
15:21, 24
16:8, 18, 20, 24
means 10:20
meeting 5:25
6:1 7:1, 16, 18
Member 1:19
8:8, 11, 13, 15,
19, 23 15:7
23:12, 15
members 8:1
24:17
mess 18:25
met 9:22, 24
metal 12:11
methodology
22:23

MICHIGAN 1:1, 10 2:1 26:4, 17, 21 Michigan/Acting 26:21 mind 17:1 minor 3:19 12:13 13:1, 19 minutes 5:1, 3, 18 9:9, 11, 14 MIottawa.org 5:1 mixed 5:6 money 4:13 13:19 morning 2:4, 23 13:6 motion 8:10, 14, 15, 23 9:1, 2 24:2, 4, 9 mountains 11:9 move 3:17 4:9 moved 18:16 20:10 moving 4:16 mow 18:23 21:2 mushy 18:3	2, 3, 10 14:19 15:1 16:21 17:1 nominate 8:11 normally 9:10 north 10:16 northeast 13:3 northwest 16:1 Notary 1:11 26:1, 19 notice 14:4, 22 number 5:24 6:2 20:7 < O > oath 7:16, 18 objection 25:4 obviously 2:22 8:21 14:24 17:14 23:16, 18 o'clock 2:5 October 26:19 office 14:5 Offices 1:9 Okay 15:3, 9 16:13 17:12 20:16 22:25 Olive 6:15, 16 Olman 1:23 7:9 15:18 16:12, 18, 23 17:2, 9 once 7:17 14:1 ones 17:20 ongoing 20:15 open 10:13 14:9 15:10 opinion 16:5 17:9 opportunity 14:5 opposed 8:19 Oregon 26:18 organization 4:2 OTTAWA 1:2, 16, 23 2:7 8:2 15:19 23:22 26:6, 19 outer 11:6 outline 9:18 10:10 11:13	outside 3:24, 25 12:8 14:23 16:20 17:6 18:5 22:8, 14 23:19, 23 owner's 4:24 < P > P.E 1:21 p.m 12:22, 24 page 11:10 pages 26:9 parcels 10:25 part 4:4 17:20 22:9, 11, 12 partners 7:11 passed 8:20 PAT 18:13 20:17, 22 22:1 pay 21:16 Peace 9:9 people 2:10 4:11 5:18 6:5, 13 14:23 19:12 20:11, 18, 23, 24 perform 7:25 period 22:3 permits 13:25 14:1 person 21:23 petition 2:9, 12 3:6 13:17, 21 20:12, 14, 19 petitioned 24:5 petitions 5:2 phases 10:19 11:4 phone 21:22 photo 11:23, 24 12:24 13:3, 6, 9, 13, 14 photos 10:13 11:22 12:19 13:1 21:22 pick 6:5 picked 7:3 picture 12:8, 21 pictures 18:19, 23	19:13 21:4, 7 23:17 pipe 12:10, 12 19:25 placed 15:22 play 18:24 please 7:22 podium 15:12 point 2:19 7:22 13:4 19:21 22:2 points 11:10 pond 17:22 18:8 19:22 ponds 11:9 pools 20:7 position 3:1 potential 13:18 preferably 3:25 preliminary 3:7, 12, 15 10:4 present 10:5 presentation 9:21 10:1, 11 presented 23:17 previous 6:24 probably 19:2 problem 17:5 19:19 20:9, 15 23:23 problems 3:13 21:1, 19 procedure 22:18 Proceedings 1:8 2:3 process 9:19 13:16 24:18, 21 project 3:7, 9 4:10, 11 6:9 11:16 12:14 13:16, 18, 20, 23 14:6, 8 24:1 proper 17:8 24:2 properly 16:5 properties 3:21 18:7 19:5, 22 property 4:24 17:3 19:2	20:4 21:16, 17, 24 22:10 protection 4:23, 24 5:11 Public 1:12 2:14 3:4 6:4 9:7, 13 15:8, 10 21:9, 10 22:3, 20 23:16 24:6, 15 26:1, 19 puddles 12:22, 25 13:4, 7, 10, 15 purpose 6:3, 8 7:2 put 4:8 9:10 17:22 18:25 19:3, 9, 16 < Q > question 14:14, 16 20:15 22:5 23:2 questions 6:20 7:17 10:14 14:9 15:4 23:5 quite 11:12 15:20 22:5 < R > rain 12:5, 6, 20 21:3 rains 20:24 raise 7:23 raised 14:11 read 4:25 5:18 really 11:14 14:14 17:7 rear 13:4 reason 3:20 4:10 receive 21:11 received 2:12 record 21:20 26:9 recorded 5:3, 8 red 10:15 11:3 reflect 14:14 remember 17:21
---	---	--	---	--

Reporter 1:11
4:19, 23 7:4
26:1
represent
11:4, 10, 24
required 4:20
8:1
resident 12:19
residential
11:1
residents
3:13 14:11
Resources
1:16 2:4, 7
4:17 5:2 8:2,
7 10:23 14:5
22:19, 24
24:22
respond 22:15
retaining
12:15 13:14
Review 14:2,
3, 7 22:21
RIDGE 1:4
2:6 8:4 10:5
13:22 15:25
16:3 19:6
20:25 24:5
26:10
right 5:19, 22
6:13 7:23
15:21 17:9
21:22
rise 7:22
Road 1:23
7:9, 10, 13, 14
15:15, 16, 18,
19 16:12, 18,
23 17:2, 9
18:4 23:22
Robert's 5:25
rocks 12:11
Rod 1:22 7:5
room 21:10
row 17:14, 15,
16
ROZEVELD
1:4 2:6 8:4
10:5 13:22
15:25 16:2
24:5 26:10
RPR 26:17
Rules 5:25
9:7
run 5:24, 25
7:1, 16, 18

runs 7:14
< S >
sat 2:18
saturated
11:23 13:8, 11
saw 19:8
saying 21:15
says 18:5
second 8:13
14:13 17:15,
16, 20
seconded
8:16
Secondly 8:21
Secretary
1:17, 19 7:7
8:9, 24 9:6
15:5 16:15
20:18 23:2, 6
24:8, 19
section 12:11
sections 11:3
see 5:2
11:11, 25
12:1, 22 13:4,
10 14:10, 11,
13 18:19
19:22 20:4
21:4 23:6, 15
seeing 17:6
seen 2:24
seepage 12:16
send 14:4
sense 3:3 4:8
sent 19:12
September
1:9 2:2
26:11, 14
serve 8:24
share 6:22
15:13 21:6
Shorthand
1:11
show 11:25
18:23
showed 18:18
showing
21:23
shows 12:16
shuffle 5:6
sign 20:14
signed 20:12,
19
signs 12:16
simple 5:16

simply 21:15
22:17
sink 18:20
sit 7:16
situation 20:6
six 5:15
20:11
slide 11:7
21:3
slope 16:8
slow 19:16
snow 11:8
Snyder 1:17
sod 11:23
13:7, 11
soil 12:16
17:25
solemnly 7:24
somebody
24:25
somebody's
5:3
sorry 9:22, 25
southeast
13:2, 13
speak 6:21
20:2
spend 4:13
Spicer 1:21
3:10, 11 7:6
10:4
spoke 3:13
spoken 20:3
spring 18:3
sprinkler 12:5
squishing
12:1
SS 26:5
staff 7:7
stage 15:10
standing 13:1,
8, 12, 15
14:12, 16, 20
18:19 23:10
star 10:15
start 5:22
15:14
started 18:15
STATE 1:1
2:13, 14
13:25 26:4, 21
stating 23:22
stays 19:9
step 2:10
steps 13:16

Stevendale
16:15, 19
18:14 21:12
stop 19:16
storm 14:17
16:10
Street 1:10
10:17 15:23
streets 16:11
20:21
stuck 20:8
stuff 2:11
23:9
Suess 21:12,
21
sufficient
14:16, 21
19:20
sufficiently
20:1
summarize
9:9
summer 18:18
supervisor
6:16, 25
support 9:2,
16 21:17
24:8, 10
suppose 8:25
supposed
12:11
sure 4:14
5:19 6:13, 20
18:17
swear 7:24
sworn 4:21
system 16:10
Szott 1:21
9:23 10:2, 3,
10 14:19
15:1 16:21
17:1
< T >
table 6:13
take 7:17
11:14, 24, 25
18:6
taken 11:22
12:19, 22 13:5
Takes 5:14
talk 6:4 24:18
talked 9:18
talking 16:16
17:23 21:14
tell 13:7, 11
ten 24:24

Terry 21:12,
21
testified 21:23
testimony
2:24 3:4 4:6
6:4, 10 22:3
23:17, 22
Thank 8:7
10:2, 9 15:3
16:14 17:12
18:11 21:25
thing 8:8
15:11 21:9
think 3:18
4:11 9:25
21:9 23:6
three 2:17
7:3, 15 9:9,
11, 13 10:19
11:3, 4 18:16
20:24
three-fourths
18:21
three-panel
2:16 3:16, 20
time 2:24 6:3,
19 9:8 15:5,
7, 13 16:3
19:10 23:7, 10
times 5:23
Timmermans
1:16
today 2:18
3:8, 11 4:8,
10 6:8 7:2
13:17 14:15
17:11 22:14
24:24
today's 24:23,
25
Todd 1:19
6:15 8:11, 15,
22, 24 9:5
15:4, 5 16:15
20:18 23:2, 4,
6 24:8, 19
top 12:10
topography
11:8, 12, 15
topsoil 18:2
total 3:12
18:25
totally 19:1
Township 1:9,
22 2:6 3:22,
23, 24, 25 4:2
5:9 6:15, 16,

18, 25 7:5
8:4 22:10
township's
4:24
track 5:19
transcript
26:8
treated 11:5
trees 19:16,
17
tried 11:24
19:15
tries 7:12
true 26:9
try 18:23
19:16
trying 17:22
20:10
turn 3:17
24:17
turned 10:22
turns 4:13
two 6:2 7:7
14:10 18:16,
21 19:25
Two-thirds
18:21
typically 22:10

< U >

underneath
12:10, 17
understand
6:2, 3, 6, 7, 9
16:14
unusual 22:6
upcoming
12:19
update 11:17
use 11:1
useless 19:1

< V >

valley 15:22
Van 10:16
verification
2:11
video 11:25
visible 12:18
vote 3:3, 16

< W >

walk 18:19
walked 12:9
walking 3:14
wall 12:15, 18
13:14 19:8

want 4:14
5:5, 19 6:12
9:10 21:7, 16
24:21
wanted 24:23,
25
wants 8:21
War 9:9
Washington
26:18
Water 1:16
2:4, 7, 19, 20
4:17 5:1
7:13 8:2, 7
10:22 11:18
12:2, 5, 16, 17
13:1, 8, 12, 15
14:5, 12, 16,
21, 24 15:23,
25 16:5, 6, 9,
10 17:2, 24
18:19, 22
19:14, 18
20:24 22:7,
14, 19, 24
23:10, 24
24:22

watershed

2:21 7:14
10:24, 25
11:2, 18, 20

way 5:12

18:6

wear 10:8

Wednesday

1:8

weeks 5:15

Weersing

1:22 7:5

Welcome 2:5

22:1

welfare 24:7

Well 2:4 5:14

7:1 8:21

13:5 15:14

20:12 21:1

went 20:23

We're 4:6, 10

5:13 6:4

9:20 10:16

11:5 19:3, 4

20:8, 10

west 10:17

Westgate

1:19 6:24

8:13, 23 15:7

23:12, 15

we've 2:19

9:18

white 11:8

Wolters 1:19

6:15 8:11, 24

15:5 16:15

20:18 23:2, 6

24:8, 19

wondered

18:4

wonderful

6:20

wondering

18:9

word 5:9

work 7:11

10:3

works 11:25

Wright 6:25

written 20:13

< Y >

yard 19:6, 7,

14, 15, 24

20:8 21:1, 2

yards 13:1

19:25

Yeah 15:20

18:11

year 12:20, 23

13:22 18:17

19:9, 10

years 2:18

5:17 17:19

18:16

yellow 11:20

12:9, 15

yesterday

19:13