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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: 129th & CHARLES DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:30 a.m., on Tuesday, March 9, 2021, via Zoom in Michigan, held before Marjorie A. Covey, CSR-2616, RPR, and Notary Public.

APPEARANCES:

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

Mr. Bill Cargo, Board Chairperson
Mr. Rich VanderKlok, Board Secretary
Mr. Ken Souter, Board Member

Mr. Ken Lucas, P.E., Prein & Newhof

Mr. Steve Bolthuis, Holland Charter Township Manager

Mr. Jerry Olman, Ottawa County Road Commission

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Via Zoom in Michigan

March 9, 2021 - 10:30 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: I'll go ahead and start the meeting.

Welcome, everyone. This is the 129th and Charles Drain Board of Determination, and we received a petition from Holland Township to establish kind of an orphan system over in Holland Township.

So today we're just having a Board of Determination, a public hearing on the situation out there. And by doing that, we received a petition from Holland Township. And then I have my board members with me today. I'll go ahead and do introductions.

We have Rich VanderKlok.

Rich, can you state your location please?

BOARD MEMBER RICH VANDER KLOK: Yes, Jenison, Michigan.

WATER RESOURCES COMM. JOE BUSH: Thank you.

We have Ken Souter.

Ken, can you state your location?

BOARD MEMBER KEN SOUTER: Jensen Beach, Florida.

WATER RESOURCES COMM. JOE BUSH: And then we have Bill Cargo.

Bill, can you state your location?

1 BOARD MEMBER BILL CARGO: Grand Haven Township.

2 WATER RESOURCES COMM. JOE BUSH: Thank you. I
3 appreciate that, gentlemen.

4 And then we'll do some other introductions. We
5 have Jerry Olman from the road commission, we have Steve
6 Bolthuis, we have Ken Bosma from Prein & Newhof. And we have
7 Josiah, we call him JT from my office, my chief deputy. And
8 then we have Sara behind me who is just in attendance as
9 well. So that's my staff.

10 And then we have Margie, our court recorder today.
11 We do record every Board of Determination meeting for future
12 use, just to go back and see who said what and how we voted.

13 Today's roll call will be by voice, when you do the
14 roll call, just because of the Openings Meeting Act, and
15 we'll just, instead of all in favor and saying aye, it will
16 be, again, we'll just make it a roll call and make it clear
17 that our voting is that way. I appreciate your attention to
18 that.

19 Again, I'm Joe Bush, the Ottawa County Water
20 Resources Commissioner. And I don't think anybody else --
21 I'm just making sure since I'm running the Zoom that nobody
22 else is on here, and they are not, for public comment time.

23 But at this time, I've done introductions. Ken
24 Bosma will give a presentation on this location. This area
25 has been in discussion for several years by Meijer

1 Corporation, and there is still flooding issue concerns over
2 there.

3 It is kind of an orphan drain system. There is
4 going to be some repaving this year, that's on Holland
5 Township's list or the road commission's list to do some
6 improvements. And before we do that we'd like to do some
7 drainage improvements at the same time so we're not ripping
8 the road up twice -- or once and then laying it down twice.

9 So we want to save money and be as efficient as
10 possible, so that's what we're looking forward to, based on
11 today's decision.

12 So at this time I'll go ahead and give the three
13 gentlemen the oath.

14 And if you can raise your right hand, gentlemen.

15 Do you each solemnly swear that you will faithfully
16 perform and discharge the duties imposed upon you, as
17 required by law, as members of the Board of Determination
18 appointed by the Ottawa County Water Resources Commissioner,
19 to determine the necessity to locate, establish and construct
20 the proposed 129th and Charles Drain located in Holland
21 Charter Township in said county? Gentlemen?

22 BOARD MEMBER BILL CARGO: I shall.

23 BOARD MEMBER RICH VANDER KLOK: I will.

24 BOARD MEMBER KEN SOUTER: I will.

25 WATER RESOURCES COMM. JOE BUSH: Thank you,

1 gentlemen.

2 Now you guys get the fun part of running the
3 meeting.

4 BOARD MEMBER BILL CARGO: At this point we need to
5 elect a chairperson and secretary.

6 Is there a motion to elect a chairperson for this
7 Board of Determination?

8 BOARD MEMBER RICH VANDER KLOK: I would make the
9 motion Bill Cargo serve as chairperson for this Board of
10 Determination.

11 BOARD MEMBER KEN SOUTER: I will second that.

12 BOARD MEMBER BILL CARGO: So we have a motion by
13 Rich, supported by Ken, that Bill Cargo be the chairperson
14 for this Board of Determination.

15 There needs to be a roll call vote, so I will first
16 call on Rich.

17 BOARD MEMBER RICH VANDER KLOK: Yes.

18 BOARD MEMBER BILL CARGO: And then I'll call on
19 Ken?

20 BOARD MEMBER KEN SOUTER: Yes.

21 BOARD MEMBER BILL CARGO: And Bill Cargo votes yes
22 also, so I will act as the chair.

23 We also need a secretary for this Board of
24 Determination. And I will make a motion that Rich be elected
25 the secretary for this Board of Determination.

1 Do I have support?

2 BOARD MEMBER KEN SOUTER: I will support that.

3 BOARD CHAIRPERSON BILL CARGO: Okay. We have a
4 motion on the floor, and we'll do a roll call again for Rich
5 to act as the secretary for this Board of Determination.

6 Bill Cargo votes yes.

7 BOARD MEMBER KEN SOUTER: Ken Souter votes yes.

8 BOARD CHAIRPERSON BILL CARGO: Rich?

9 BOARD MEMBER RICH VANDER KLOK: Yes.

10 BOARD CHAIRPERSON BILL CARGO: So that also passes
11 unanimously.

12 We talk about rules of public conduct -- or comment
13 and typically we limit these to three minutes or less. I
14 don't think we have any public that are going to be speaking
15 today, from the looks of things.

16 But I will make a motion that the public comments
17 be limited to three minutes per individual.

18 Is there support for that motion.

19 BOARD SECRETARY RICH VANDER KLOK: I will support
20 that motion.

21 BOARD CHAIRPERSON BILL CARGO: So Bill made the
22 motion, Rich supported it.

23 And so without any further discussion on that, I'll
24 do a roll call vote.

25 Ken, do you support that?

1 BOARD MEMBER KEN SOUTER: Yes, I do.

2 BOARD CHAIRPERSON BILL CARGO: And, Rich, do you
3 support that?

4 BOARD SECRETARY RICH VANDER KLOK: Yes.

5 BOARD CHAIRPERSON BILL CARGO: And Bill also votes
6 yes, so that is also unanimously approved.

7 At that stage, we talk about the role and function
8 of the board and the history, and that's something we
9 typically turnover to the Water Resources Commissioner, Joe
10 Bush.

11 Joe, do you want to talk about this at all?

12 WATER RESOURCES COMM. JOE BUSH: Yeah. I can just
13 say that the board at this time will make a project either
14 move forward or not. The Board of Determination's job is not
15 to come up with a project, a cost or a scope of project.
16 This is just to see if it's a necessity or not to move
17 forward based on the engineer's review of kind of an outline
18 of what's going on out there to the board.

19 And I don't think there is any public. I'm still
20 looking. I don't see anybody wanting to join us.

21 So I think no public comment, it will be based on
22 Ken Bosma's report or the township.

23 But as far as that goes, for your function today,
24 it's just whether or not a project moves forward under the
25 Water Resources Commissioner.

1 BOARD CHAIRPERSON BILL CARGO: Okay. At this time
2 normally before we do the presentation by the engineer, we do
3 ask for the township to make any comments that they may have.

4 Steve, do you have anything you want to mention for
5 the record on this Board of Determination?

6 HOLLAND CHARTER TOWNSHIP MANAGER STEVE BOLTHUIS:
7 Yeah, I just want to state that indeed the township is
8 bringing forward this petition to address some flooding that
9 we have seen out there, as well as in response to adjacent
10 property owners who would like to see this drain repaired.

11 BOARD CHAIRPERSON BILL CARGO: That's good.

12 Since I'm asking, I'll also ask the county road
13 commission, any comments that you have for this particular
14 Board of Determination?

15 ROAD COMMISSION JERRY OLMAN: I'll wait to hear
16 from Ken and see what he has to say about it first, and then
17 I'll comment after, if that's okay.

18 BOARD CHAIRPERSON BILL CARGO: Not a problem.

19 Ken, I'll turn it over to you. I'm sure you can do
20 this briefly and quickly, right?

21 ENGINEER KEN BOSMA: Yep. I'm going to share my
22 screen a minute.

23 Joe, can you allow me to share a screen? Joe, it
24 says host is disabling participant screen sharing. Is there
25 a way you can allow me to share?

1 Joe? Can you allow me to share my screen?

2 THE REPORTER: Joe, you're muted. If you're saying
3 anything, we can't hear you.

4 ENGINEER KEN BOSMA: I'll try this here.

5 WATER RESOURCES COMM. JOE BUSH: Sorry about that.

6 ENGINEER KEN BOSMA: I got it now.

7 WATER RESOURCES COMM. JOE BUSH: Okay. Sorry about
8 that.

9 ENGINEER KEN BOSMA: Okay, are you guys seeing my
10 screen?

11 BOARD CHAIRPERSON BILL CARGO: No.

12 BOARD MEMBER KEN SOUTER: I got your screen but I
13 got your icons in it.

14 ENGINEER KEN BOSMA: All right. So now you see it,
15 the slide show.

16 BOARD MEMBER KEN SOUTER: Yes.

17 ENGINEER KEN BOSMA: We're here for 129th and
18 Charles as I already mentioned. This is one of the orphan
19 drains that has no jurisdiction for maintenance.

20 As Joe has indicated the township has submitted a
21 petition on this on November 19, of last year, and then this
22 is the reason why we're having the Board of Determination.

23 Meijer has approached us, they may have had issues
24 longer, but it was back in about the fall of 2018 where they
25 indicated that they have had some issues on the project. So

1 this is what is bringing this particular area to light.

2 Since then we delineated a drainage district
3 looking at the county GIS and other information to us and we
4 also visited the site.

5 When we visited the site, these are the top view
6 pictures so what we're looking at is we really have two
7 structures that are connected together that act as a leaching
8 system. There is no direct connection to any other county
9 drain. There is not a county drain near the vicinity to be
10 able to do this. This is near the intersection of 129th and
11 Charles.

12 These pictures show inside you can see that this is
13 an old structure with regard to all the brick used in here,
14 and it's heavily silted in. It looks like it could be a
15 solid pipe between the two, but obviously the leaching action
16 is not occurring in there anymore.

17 So this is the district that we're looking at, very
18 small district. It really takes some of their -- they have
19 some truck parking and that's occurring in this area, some
20 right-of-way, so there is really only one other property
21 owner besides the road commission with the right-of-way
22 involved, and the leaching basin.

23 Again there is no connection to any other county
24 drain system in this particular area.

25 BOARD MEMBER KEN SOUTER: Hey, Ken?

1 ENGINEER KEN BOSMA: Yep.

2 BOARD MEMBER KEN SOUTER: All I'm getting is a
3 picture of it looks like a concrete drain with water running
4 through it.

5 THE REPORTER: Me too.

6 ENGINEER KEN BOSMA: Right now?

7 BOARD MEMBER KEN SOUTER: I've got all icons
8 showing on my screen and the picture of water running down a
9 little concrete sleuth way. That's the only thing I got.

10 BOARD SECRETARY RICH VANDER KLOK: I think that's
11 Joe's screen that you're looking at.

12 ENGINEER KEN BOSMA: If you take your curser and go
13 to the top of your screen, do you get a button that comes up
14 that says View Actions?

15 BOARD MEMBER KEN SOUTER: Yes.

16 ENGINEER KEN BOSMA: If you click on that, you'll
17 see Zoom Ratio High Video Panel and then down a little ways
18 in that pull down menu it says Shared Screens. So it should
19 show Joe Bush and Ken Bosma.

20 BOARD MEMBER KEN SOUTER: Got it. Thank you.

21 ENGINEER KEN BOSMA: So these are the two leaching
22 structures that are from on top. And this is the picture
23 inside. It just shows it could very well be a concrete pipe
24 but it doesn't allow any infiltration. It's an old system as
25 you can see with the blocks, well silted in.

1 This isn't even all that deep here, so this is why
2 they're having a lot of issue in there.

3 So this is the drainage district that we've
4 defined. Again, there is really only one property owner
5 besides the right-of-way in here, but there is no connection
6 to a county drain. It's just an infiltration system within
7 the intersection that needs to be improved.

8 So other than that, we're basically here for any
9 other public testimony or to see what the board determines,
10 whether it's necessary or not necessary.

11 BOARD MEMBER KEN SOUTER: I've got a question for
12 you. I pulled up Google Earth so I could familiarize myself
13 with the area that we're talking about, and it appears that
14 everything in that area is either building covered or parking
15 lot covered. How did you go about determining the drainage
16 as such?

17 ENGINEER KEN BOSMA: Yes. So we did use the GIS
18 for contours and went out there and field verified it.

19 There are some other systems. Meijer has some
20 private systems along their building, which would be
21 particularly along right in here in this area, some private
22 systems.

23 But as far as what would be considered kind of the
24 public system, this is really the only system in place for
25 that as far as the public system.

1 BOARD MEMBER KEN SOUTER: Okay. Where are you
2 intending to try to take it? Is it possible to take it to
3 that drainage course or that storm sewer system that's at the
4 corner of Roost and Charles?

5 ENGINEER KEN BOSMA: No, if we were to do any type
6 improvements what we would envision here is we would
7 basically replace the system and also have a perforated pipe
8 between the two leaching basin systems to help pick that up.

9 I can tell you, Ken, that we've had some
10 preliminary conversations with Meijer as we've gone through
11 this and they are receptive to that kind of solution, not
12 trying to over maximize the project in any particular way.

13 BOARD MEMBER KEN SOUTER: What really happens
14 there, Ken, is the roadway on that intersection just will
15 point right flood?

16 ENGINEER KEN BOSMA: Yes, so when this comes here
17 and it doesn't go into these structures anymore it heads
18 toward the Meijer building here right on the southeast corner
19 of Charles and 129th. That's what they're trying to prevent
20 is to pick up most of that before it gets to them.

21 BOARD MEMBER KEN SOUTER: And you think a leaching
22 system would work there?

23 ENGINEER KEN BOSMA: Yes, especially for the type
24 of area that has outlets in there is just what's shown here.

25 BOARD CHAIRPERSON BILL CARGO: Okay, are you

1 complete -- are you done with your presentation then?

2 ENGINEER KEN BOSMA: Yes, I'll stop sharing.

3 BOARD CHAIRPERSON BILL CARGO: Okay. Then I'll go
4 back to Jerry with the road commission.

5 Jerry, do you have anything you want to comment on
6 with regard to this?

7 ROAD COMMISSION JERRY OLMAN: Yeah. I'll just add
8 to that going back several decades, back in the late '40s
9 this was originally a residential plat. Then over the years
10 it kind of evolved and it must have, at some point in time
11 got changed to a commercial industrial area.

12 And most of it is road right-of-way. And looking
13 at some of the old aerials in that northwest corner that's
14 included in this district, it used to be like kind of a grass
15 low-lying area, so I think that probably picked up some water
16 back in the day.

17 But now you have wall-to-wall asphalt and there is
18 and those two little basins there obviously have seen better
19 days.

20 BOARD CHAIRPERSON BILL CARGO: Okay. Then at this
21 stage I'll ask if there is any members of the public that
22 have any comments that they would like to make?

23 Do we have any members of the public available,
24 Joe?

25 WATER RESOURCES COMM. JOE BUSH: For the record, I

1 would say there is nobody from the public and nobody waiting
2 to get in to speak.

3 BOARD CHAIRPERSON BILL CARGO: Well in that case
4 this is going to be a fairly simple process.

5 Holland Charter Township has made the motion, and
6 we've shown there are problems with the existing drainage in
7 this very small area.

8 So I'll ask Rich and then I'll ask Ken if you have
9 any comments you want to make?

10 BOARD SECRETARY RICH VANDER KLOK: I have no
11 comments.

12 BOARD CHAIRPERSON BILL CARGO: Ken, do you have any
13 comments you would like to make?

14 BOARD MEMBER KEN SOUTER: I don't have any
15 comments. I think they pretty much answered my questions.

16 BOARD CHAIRPERSON BILL CARGO: It seems like an
17 unusual type of place for leach basins, but if you think you
18 can improve those leach basins so they're working properly,
19 that's great.

20 So I, Bill Cargo, will make a motion that the
21 proposed 129th and Charles Drain as petitioned on November
22 19th, 2020, is necessary and conducive to the public health,
23 convenience or welfare.

24 Do I have support for my motion?

25 BOARD SECRETARY RICH VANDER KLOK: I will support

1 that motion.

2 BOARD CHAIRPERSON BILL CARGO: So we have motion on
3 the floor and supported.

4 Are there any comments from anybody before we vote
5 on this motion?

6 BOARD MEMBER KEN SOUTER: None from me.

7 BOARD CHAIRPERSON BILL CARGO: Being no comments
8 then, I'll do a roll call vote.

9 Ken, how do you vote?

10 BOARD MEMBER KEN SOUTER: Yes.

11 BOARD CHAIRPERSON BILL CARGO: Rich, how do you
12 vote?

13 BOARD SECRETARY RICH VANDER KLOK: Yes.

14 BOARD CHAIRPERSON BILL CARGO: And Bill Cargo votes
15 yes also, so that motion is then approved.

16 At this stage, we will turn it back over to the --
17 to Joe to talk about the appeals process. And I don't know
18 if you have to say a lot since there is nobody here to appeal
19 a lot.

20 WATER RESOURCES COMM. JOE BUSH: For the record
21 there is no public, but for the township purposes or the road
22 commission, we'll make that statement anyway, for the record
23 that if anybody reads these down the road they can know that
24 I did mention it.

25 There is a 10-day appeal process from today with

1 circuit court, if they don't agree with the Board of
2 Determination. So people can appeal it.

3 I wouldn't see any reason why they would with the
4 people that are on this call today. But just for the record,
5 I try to be consistent with all my Board of Determinations to
6 speak about the process and speak up about the appeal
7 process.

8 So I appreciate it, Chair Cargo.

9 BOARD CHAIRPERSON BILL CARGO: Well if that's the
10 only thing you have to say about the appeal process. We're
11 ready for adjournment.

12 Is there a motion to adjourn?

13 BOARD SECRETARY RICH VANDER KLOK: I'll make that
14 motion.

15 BOARD CHAIRPERSON BILL CARGO: We have a motion by
16 Rich.

17 Ken, do you support that.

18 BOARD MEMBER KEN SOUTER: I support that motion.

19 BOARD CHAIRPERSON BILL CARGO: And then we'll do a
20 roll call on adjournment.

21 Bill Cargo votes yes.

22 Ken?

23 BOARD MEMBER KEN SOUTER: Votes yes.

24 BOARD CHAIRPERSON BILL CARGO: And Rich?

25 BOARD SECRETARY RICH VANDER KLOK: Yes.

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BOARD CHAIRPERSON BILL CARGO: So this may be the
shortest one I've ever done, I appreciate the time.

BOARD SECRETARY RICH VANDER KLOK: I think so too.

BOARD CHAIRPERSON: We will talk to you all later.

BOARD SECRETARY RICH VANDER KLOK: Thank you.

WATER RESOURCES COMM. JOE BUSH: Thank you,
everyone.

(Board of Determination concluded at 10:54 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 19 pages, is a complete, true and correct record of the BOD - 129th and CHARLES, held in this case on March 9, 2021.

DATE: March 12, 2021



MARJORIE A. COVEY
Michigan License CSR-2616
Washington License 20109173
Oregon License 20-0468
Illinois License 084-004911

Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan

<hr/> 1 <hr/>	anymore 10:16 13:17	14:3,20 15:3, 12,16,20 16:2, 7,11,14 17:9, 15,19,21,24 18:1	<hr/> C <hr/>	comment 3:22 6:12 7:21 8:17 14:5
10-day 16:25	appeal 16:18, 25 17:2,6,10	blocks 11:25	call 3:7,13,14, 16 5:15,16,18 6:4,24 16:8 17:4,20	comments 6:16 8:3,13 14:22 15:9,11, 13,15 16:4,7
10:30 2:2	appeals 16:17	board 2:7,10, 13,17,22 3:1, 11 4:17,22,23, 24 5:4,7,8,9, 11,12,14,17, 18,20,21,23, 25 6:2,3,5,7,8, 9,10,19,21	Cargo 2:24 3:1 4:22 5:4,9, 12,13,18,21 6:3,6,8,10,21 7:2,5 8:1,11, 18 9:11 13:25 14:3,20 15:3, 12,16,20 16:2, 7,11,14 17:8, 9,15,19,21,24 18:1	commercial 14:11
10:54 18:8	appears 12:13	7:1,2,4,5,8,13, 14,18 8:1,5, 11,14,18 9:11, 12,16,22 10:25 11:2,7, 10,15,20 12:9, 11 13:1,13,21, 25 14:3,20 15:3,10,12,14, 16,25 16:2,6, 7,10,11,13,14 17:1,5,9,13, 15,18,19,23, 24,25 18:1,3, 4,5,8	case 15:3	commission 3:5 8:13,15 10:21 14:4,7 16:22
129th 2:6 4:20 9:17 10:10 13:19 15:21	appointed 4:18	Bolthuis 3:6 8:6	chair 5:22 17:8	commission' s 4:5
19 9:21	approached 9:23	Bosma 3:6,24 8:21 9:4,6,9, 14,17 11:1,6, 12,16,19,21 12:17 13:5,16, 23 14:2	chairperson 5:5,6,9,13 6:3, 8,10,21 7:2,5 8:1,11,18 9:11 13:25 14:3,20 15:3,12,16 16:2,7,11,14 17:9,15,19,24 18:1,4	Commission er 3:20 4:18 7:9,25
19th 15:22	approved 7:6 16:15	Bosma's 7:22	case 15:3	complete 14:1
<hr/> 2 <hr/>	area 3:24 10:1,19,24 12:13,14,21 13:24 14:11, 15 15:7	brick 10:13	changed 14:11	concerns 4:1
2018 9:24	asphalt 14:17	briefly 8:20	Charles 2:6 4:20 9:18 10:11 13:4,19 15:21	concluded 18:8
2020 15:22	attendance 3:8	bringing 8:8 10:1	Charter 4:21 8:6 15:5	concrete 11:3,9,23
2021 2:2	attention 3:17	building 12:14,20 13:18	chief 3:7	conductive 15:22
<hr/> 4 <hr/>	aye 3:15	Bush 2:4,19, 23 3:2,19 4:25 7:10,12 9:5,7 11:19 14:25 16:20 18:6	circuit 17:1	conduct 6:12
40s 14:8	<hr/> B <hr/>		clear 3:16	connected 10:7
<hr/> 9 <hr/>	back 3:12 9:24 14:4,8,16 16:16		click 11:16	connection 10:8,23 12:5
9 2:2	based 4:10 7:17,21		COMM 2:4,19, 23 3:2 4:25 7:12 9:5,7 14:25 16:20 18:6	considered 12:23
<hr/> A <hr/>	basically 12:8 13:7			consistent 17:5
a.m. 2:2 18:8	basin 10:22 13:8			construct 4:19
act 3:14 5:22 6:5 10:7	basins 14:18 15:17,18			contours 12:18
action 10:15	Beach 2:22			convenience 15:23
Actions 11:14	Bill 2:24,25 3:1 4:22 5:4,9, 12,13,18,21 6:3,6,8,10,21 7:2,5 8:1,11, 18 9:11 13:25			conversation s 13:10
add 14:7				
address 8:8				
adjacent 8:9				
adjourn 17:12				
adjournment 17:11,20				
aerials 14:13				
agree 17:1				
ahead 2:4,14 4:12				

<p>corner 13:4, 18 14:13</p> <p>Corporation 4:1</p> <p>cost 7:15</p> <p>county 3:19 4:18,21 8:12 10:3,8,9,23 12:6</p> <p>court 3:10 17:1</p> <p>covered 12:14,15</p> <p>curser 11:12</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>day 14:16</p> <p>days 14:19</p> <p>decades 14:8</p> <p>decision 4:11</p> <p>deep 12:1</p> <p>defined 12:4</p> <p>delineated 10:2</p> <p>deputy 3:7</p> <p>Determination n 2:7,11 3:11 4:17 5:7,10, 14,24,25 6:5 8:5,14 9:22 17:2 18:8</p> <p>Determination's 7:14</p> <p>Determinations 17:5</p> <p>determine 4:19</p> <p>determines 12:9</p> <p>determining 12:15</p> <p>direct 10:8</p>	<p>disabling 8:24</p> <p>discharge 4:16</p> <p>discussion 3:25 6:23</p> <p>district 10:2, 17,18 12:3 14:14</p> <p>drain 2:7 4:3, 20 8:10 10:9, 24 11:3 12:6 15:21</p> <p>drainage 4:7 10:2 12:3,15 13:3 15:6</p> <p>drains 9:19</p> <p>duties 4:16</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>Earth 12:12</p> <p>efficient 4:9</p> <p>elect 5:5,6</p> <p>elected 5:24</p> <p>engineer 8:2, 21 9:4,6,9,14, 17 11:1,6,12, 16,21 12:17 13:5,16,23 14:2</p> <p>engineer's 7:17</p> <p>envision 13:6</p> <p>establish 2:8 4:19</p> <p>evolved 14:10</p> <p>existing 15:6</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fairly 15:4</p> <p>faithfully 4:15</p>	<p>fall 9:24</p> <p>familiarize 12:12</p> <p>favor 3:15</p> <p>field 12:18</p> <p>flood 13:15</p> <p>flooding 4:1 8:8</p> <p>floor 6:4 16:3</p> <p>Florida 2:22</p> <p>forward 4:10 7:14,17,24 8:8</p> <p>fun 5:2</p> <p>function 7:7, 23</p> <p>future 3:11</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gentlemen 3:3 4:13,14,21 5:1</p> <p>GIS 10:3 12:17</p> <p>give 3:24 4:12</p> <p>good 8:11</p> <p>Google 12:12</p> <p>Grand 3:1</p> <p>grass 14:14</p> <p>great 15:19</p> <p>guys 5:2 9:9</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 4:14</p> <p>Haven 3:1</p> <p>heads 13:17</p> <p>health 15:22</p> <p>hear 8:15 9:3</p> <p>hearing 2:11</p> <p>heavily 10:14</p>	<p>Hey 10:25</p> <p>High 11:17</p> <p>history 7:8</p> <p>Holland 2:8,9, 12 4:4,20 8:6 15:5</p> <p>host 8:24</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>icons 9:13 11:7</p> <p>imposed 4:16</p> <p>improve 15:18</p> <p>improved 12:7</p> <p>improvement s 4:6,7 13:6</p> <p>included 14:14</p> <p>individual 6:17</p> <p>industrial 14:11</p> <p>infiltration 11:24 12:6</p> <p>information 10:3</p> <p>inside 10:12 11:23</p> <p>intending 13:2</p> <p>intersection 10:10 12:7 13:14</p> <p>introductions 2:14 3:4,23</p> <p>involved 10:22</p> <p>issue 4:1 12:2</p> <p>issues 9:23, 25</p>	<hr/> <p style="text-align: center;">J</p> <hr/> <p>Jenison 2:17</p> <p>Jensen 2:22</p> <p>Jerry 3:5 8:15 14:4,5,7</p> <p>job 7:14</p> <p>Joe 2:4,19,23 3:2,19 4:25 7:9,11,12 8:23 9:1,2,5,7,20 11:19 14:24, 25 16:17,20 18:6</p> <p>Joe's 11:11</p> <p>join 7:20</p> <p>Josiah 3:7</p> <p>JT 3:7</p> <p>jurisdiction 9:19</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Ken 2:20,21, 22 3:6,23 4:24 5:11,13,19,20 6:2,7,25 7:1, 22 8:16,19,21 9:4,6,9,12,14, 16,17 10:25 11:1,2,6,7,12, 15,16,19,20, 21 12:11,17 13:1,5,9,13, 14,16,21,23 14:2 15:8,12, 14 16:6,9,10 17:17,18,22, 23</p> <p>kind 2:8 4:3 7:17 12:23 13:11 14:10, 14</p> <p>KLOK 2:17 4:23 5:8,17 6:9,19 7:4 11:10 15:10, 25 16:13</p>
--	---	---	--	---

17:13,25 18:3, 5	maximize 13:12	Newhof 3:6	petitioned 15:21	16 7:19,21 12:9,24,25 14:21,23 15:1, 22 16:21
<hr/> L <hr/>	meeting 2:5 3:11,14 5:3	northwest 14:13	pick 13:8,20	pull 11:18
late 14:8	Meijer 3:25 9:23 12:19 13:10,18	November 9:21 15:21	picked 14:15	pulled 12:12
law 4:17	MEMBER 2:17,22 3:1 4:22,23,24 5:4,8,11,12, 17,18,20,21 6:2,7,9 7:1 9:12,16 10:25 11:2,7,15,20 12:11 13:1,13, 21 15:14 16:6, 10 17:18,23	<hr/> O <hr/>	picture 11:3, 8,22	purposes 16:21
laying 4:8	members 2:13 4:17 14:21,23	oath 4:13	pictures 10:6, 12	<hr/> Q <hr/>
leach 15:17, 18	mention 8:4 16:24	occurring 10:16,19	pipe 10:15 11:23 13:7	question 12:11
leaching 10:7,15,22 11:21 13:8,21	mentioned 9:18	office 3:7	place 12:24 15:17	questions 15:15
light 10:1	menu 11:18	Olman 3:5 8:15 14:7	plat 14:9	quickly 8:20
limit 6:13	Michigan 2:1, 18	Openings 3:14	point 5:4 13:15 14:10	<hr/> R <hr/>
limited 6:17	minute 8:22	originally 14:9	Prein 3:6	raise 4:14
list 4:5	minutes 6:13, 17	orphan 2:8 4:3 9:18	preliminary 13:10	Ratio 11:17
locate 4:19	money 4:9	Ottawa 3:19 4:18	presentation 3:24 8:2 14:1	reads 16:23
located 4:20	motion 5:6,9, 12,24 6:4,16, 18,20,22 15:5, 20,24 16:1,2, 5,15 17:12,14, 15,18	outlets 13:24	pretty 15:15	ready 17:11
location 2:16, 21,25 3:24	move 7:14,16	outline 7:17	prevent 13:19	reason 9:22 17:3
longer 9:24	moves 7:24	owner 10:21 12:4	private 12:20, 21	received 2:7, 12
lot 12:2,15 16:18,19	muted 9:2	owners 8:10	problem 8:18	receptive 13:11
low-lying 14:15	<hr/> N <hr/>	<hr/> P <hr/>	problems 15:6	record 3:11 8:5 14:25 16:20,22 17:4
<hr/> M <hr/>	necessity 4:19 7:16	Panel 11:17	PROCEEDIN GS 2:3	recorder 3:10
made 6:21 15:5		parking 10:19 12:14	process 15:4 16:17,25 17:6, 7,10	regard 10:13 14:6
maintenance 9:19		part 5:2	project 7:13, 15,24 9:25 13:12	repaired 8:10
make 3:16 5:8,24 6:16 7:13 8:3 14:22 15:9,13,20 16:22 17:13		participant 8:24	properly 15:18	repaving 4:4
making 3:21		passes 6:10	property 8:10 10:20 12:4	replace 13:7
MANAGER 8:6		people 17:2,4	proposed 4:20 15:21	report 7:22
March 2:2		perforated 13:7	public 2:11 3:22 6:12,14,	REPORTER 9:2 11:5
Margie 3:10		perform 4:16		required 4:17
		petition 2:7, 12 8:8 9:21		residential

<p>14:9</p> <p>Resources 2:4,19,23 3:2, 20 4:18,25 7:9,12,25 9:5, 7 14:25 16:20 18:6</p> <p>response 8:9</p> <p>review 7:17</p> <p>Rich 2:15,16, 17 4:23 5:8, 13,16,17,24 6:4,8,9,19,22 7:2,4 11:10 15:8,10,25 16:11,13 17:13,16,24, 25 18:3,5</p> <p>right-of-way 10:20,21 12:5 14:12</p> <p>ripping 4:7</p> <p>road 3:5 4:5,8 8:12,15 10:21 14:4,7,12 16:21,23</p> <p>roadway 13:14</p> <p>role 7:7</p> <p>roll 3:13,14,16 5:15 6:4,24 16:8 17:20</p> <p>Roost 13:4</p> <p>rules 6:12</p> <p>running 3:21 5:2 11:3,8</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Sara 3:8</p> <p>save 4:9</p> <p>scope 7:15</p> <p>screen 8:22, 23,24 9:1,10, 12 11:8,11,13</p>	<p>Screens 11:18</p> <p>secretary 5:5, 23,25 6:5,19 7:4 11:10 15:10,25 16:13 17:13, 25 18:3,5</p> <p>serve 5:9</p> <p>sewer 13:3</p> <p>share 8:21,23, 25 9:1</p> <p>Shared 11:18</p> <p>sharing 8:24 14:2</p> <p>shortest 18:2</p> <p>show 9:15 10:12 11:19</p> <p>showing 11:8</p> <p>shown 13:24 15:6</p> <p>shows 11:23</p> <p>silted 10:14 11:25</p> <p>simple 15:4</p> <p>site 10:4,5</p> <p>situation 2:11</p> <p>sleuth 11:9</p> <p>slide 9:15</p> <p>small 10:18 15:7</p> <p>solemnly 4:15</p> <p>solid 10:15</p> <p>solution 13:11</p> <p>Souter 2:20, 22 4:24 5:11, 20 6:2,7 7:1 9:12,16 10:25 11:2,7,15,20 12:11 13:1,13, 21 15:14 16:6, 10 17:18,23</p>	<p>southeast 13:18</p> <p>speak 15:2 17:6</p> <p>speaking 6:14</p> <p>staff 3:9</p> <p>stage 7:7 14:21 16:16</p> <p>start 2:5</p> <p>state 2:16,21, 25 8:7</p> <p>statement 16:22</p> <p>Steve 3:5 8:4, 6</p> <p>stop 14:2</p> <p>storm 13:3</p> <p>structure 10:13</p> <p>structures 10:7 11:22 13:17</p> <p>submitted 9:20</p> <p>support 6:1, 2,18,19,25 7:3 15:24,25 17:17,18</p> <p>supported 5:13 6:22 16:3</p> <p>swear 4:15</p> <p>system 2:8 4:3 10:8,24 11:24 12:6,24, 25 13:3,7,22</p> <p>systems 12:19,20,22 13:8</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>takes 10:18</p> <p>talk 6:12 7:7, 11 16:17 18:4</p>	<p>talking 12:13</p> <p>testimony 12:9</p> <p>thing 11:9 17:10</p> <p>things 6:15</p> <p>time 3:22,23 4:7,12 7:13 8:1 14:10 18:2</p> <p>today 2:10,13 3:10 6:15 7:23 16:25 17:4</p> <p>today's 3:13 4:11</p> <p>top 10:5 11:13,22</p> <p>township 2:8, 9,13 3:1 4:21 7:22 8:3,6,7 9:20 15:5 16:21</p> <p>Township's 4:5</p> <p>truck 10:19</p> <p>turn 8:19 16:16</p> <p>turnover 7:9</p> <p>type 13:5,23 15:17</p> <p>typically 6:13 7:9</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unanimously 6:11 7:6</p> <p>unusual 15:17</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>VANDER 2:17 4:23 5:8, 17 6:9,19 7:4 11:10 15:10, 25 16:13</p>	<p>17:13,25 18:3, 5</p> <p>Vanderklok 2:15</p> <p>verified 12:18</p> <p>vicinity 10:9</p> <p>Video 11:17</p> <p>view 10:5 11:14</p> <p>visited 10:4,5</p> <p>voice 3:13</p> <p>vote 5:15 6:24 16:4,8,9,12</p> <p>voted 3:12</p> <p>votes 5:21 6:6,7 7:5 16:14 17:21, 23</p> <p>voting 3:17</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 8:15</p> <p>waiting 15:1</p> <p>wall-to-wall 14:17</p> <p>wanting 7:20</p> <p>water 2:4,19, 23 3:2,19 4:18,25 7:9, 12,25 9:5,7 11:3,8 14:15, 25 16:20 18:6</p> <p>ways 11:17</p> <p>welfare 15:23</p> <p>work 13:22</p> <p>working 15:18</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 4:4 9:21</p> <p>years 3:25 14:9</p>
---	---	---	---	---

Z

Zoom 2:1
3:21 11:17