

BEAR LAKE LAKE BOARD MINUTES

REGULAR MEETING

Thursday October 14, 2021, 6:00PM

North Muskegon Community Center

Call to Order: The meeting was called to order by acting Chair, Brenda Moore at 6:01 p.m.

Moore called the roll:

- **Present:** Craig Howell, Darrell Van Fossan, Brenda Moore, Doug Brown & Paul Pek.
- **Absent:** None
- **Also present:** Mike Solomon of Restorative Lake Sciences

Election of Officers

Moore indicated that it was necessary to elect officers to the Board. She called for nominations for Treasurer. VanFossan nominated Howell to be the Treasurer. Brown seconded the motion. Moore asked Mr. Howell if he was comfortable with that position. He confirmed. She called for other nominations for Treasurer. None came. Moore called the roll individually; all votes were affirmative to make Craig Howell the Treasurer of the Bear Lake Lake Board.

Moore called for nominations for Chair. Howell nominated VanFossan to be Chair. Seconded by Moore. She indicated that she thought a seasoned Board member should become chair and as new members became more comfortable that duty could be passed around if the Board so desired. She then asked if Mr. VanFossan was comfortable with that position. He confirmed. Pek indicated he wished to nominate Moore as the Chair. She replied that she was honored, but thought it inappropriate for a county official to preside over local government's business. Mr. Brown agreed. Moore called roll for the vote for Chair. All voted in favor to elect Mr. VanFossan the new Chair of the Lake Board.

MINUTES: Vanfossan made the motion to approve the minutes of September 9, 2021 meeting as written. Howell supported the motion. The motion carried by unanimous voice vote. The minutes will be placed on file.

CONSULTANT REPORT:

Mr. Solomon of Restorative Lake Sciences provided a brief update regarding the Board's Lake Strategy. He said we are still waiting to hear from EGLE about a meeting to discuss the permit denial. He reiterated that the state has been very hesitant to permit upstream Best Management practices such as stream filters because they are perceived to inhibit fish passage. The state is also further limiting the use of aquatic algaeicides because of their impact on lake ecology. He pointed this out as a reason to encourage native species to compete with Blue Green Algae for nutrients, thus reducing algal blooms and lessening

our reliance on algaecides. He talked about additional strategies for Lake Management that the Board could consider while they pondered next steps:

- The development of a boat cleaning station, estimated cost around \$32,000.00 he noted that signs at public boat launches also helped prevent the introduction of invasive species.
- Use of Phoslock, a flocculant that precipitates phosphorus that could be a consideration for Fenner's ditch. It differs chemically from Alum in that the primary compound is Lanthanum. The estimated cost per application for the ditch is around \$1,100.00. He noted Morrison Lake as a case study for the use of Phoslock.
- Using natural shoreline vegetation as a means to prevent erosion and the migration of lawn chemicals into the lake. He noted that several lakefront property owners are already doing this on Bear Lake.
- Charcoal filters near tributaries that absorb phosphorus.
- Surface flow circulators are a way to move water and may be a good application in Fenner's ditch. VanFossan added that our chemical applicator, PLM installs them for around \$1,500.00 each.

Vanfossan reminded Mr. Solomon that the Board would appreciate trend analysis for water quality factors in an upcoming annual report. Solomon said that it takes 4-5 years of data to be able to start valid trend analysis, but RLS was aware of the Board's wishes in that regard.

NEW BUSINESS:

Recording secretary: Board members recognized that a recording secretary needs to be hired to record the minutes of the group. For a Board member to listen, participate in the meeting, and take minutes was very difficult. It was noted that Mr. Janson was gracious to help take notes for this meeting. An hourly rate of \$35.00 per hour was suggested. Moore was worried that hourly rates could be taken advantage of and instead suggested a stipend once minutes were delivered. VanFossan said he had been looking for prospects about their interest in taking minutes and has not gotten enthusiastic responses. Brown suggested putting together a job description, e.g., turn around time for minutes, monthly meeting obligation, etc. Pek indicated he would help in the interim. Moore agreed to type up the minutes for this meeting. Mr. Howell said he was willing to work with the city to investigate their temp agency for a reliable recording secretary.

Treasurer's quarterly report: Vanfossan reported that the bulk of Board spending was for chemical treatment of the lake. He reported 2 additional bills, one from our insurance agency and another for attorney fees. It was mentioned that the bills should appear on our agenda for a vote as well. Moved by Moore, support by Howell to accept and file the Treasurer's quarterly report.

Bylaws: Moore stated that she used to write bylaws for Planning Commissions when she was a consultant and said that if other Board members approved, she would put together a first draft of bylaws for consideration. Board members agreed bylaws are important. VanFossan said he would send the Preservation Association bylaws to Moore for her to review as well. They were drafted by an attorney.

Open Meetings Act: Moore distributed a state guide for the Open Meetings Act, which among other things, governs how governmental entities conduct public meetings and how individual members of such bodies conduct themselves. She touched on some highpoints of issues that have been problems for communities she has worked with including: meetings among members of public bodies outside of the public forum; special interests wanting to privately meet with members of governmental bodies outside of a public forum, etc. These issues have become the subject of lawsuits and if an individual violates the Open Meetings Act, Board liability insurance will not cover them, i.e. the individual becomes liable. Pek voiced some discomfort about not interacting with members of the public when they had questions or concerns. Moore said she generally tells members of the public who want to talk about the business of a Board to write, email, or come to a meeting to voice their concerns to be sure their message is delivered how they want it, not through another person. There was some discussion about the difference between informing citizens and behaving inappropriately. The group decided to read the handout and discuss any concerns at a future meeting. Brown stated that adherence to the Open Meetings Act should be in the Board's bylaws.

PUBLIC COMMENTS:

Gary Privasky (1620 Sunset) asked about the status of the Corrective Action (Lake Plan). Moore indicated that due to the state's denial of the state permit, the Board needed to pursue a "plan B" and they are already taking measures to do that in discussing alternative strategies. He also asked about the 5-year plan and whether there would be future assessments. Solomon commented that attorneys they have dealt with recommend continuing, perhaps small assessments, to keep Lake Management in the minds of the Board and citizens. Privasky also asked about a lawn product he bought that did not have phosphorus but had cautions on the bag about applying near water. Moore thought it might be a "weed and feed" product. The "weed" portion of the mix is likely herbicides.

Jim Panici (1505 Glenwood) asked if we pay the consultant \$5,500 per month. Vanfossan corrected that the bill was quarterly. He also asked when the current contract expired. Vanfossan replied 12/31/21. Panici then suggested we post an easily understood form of the Board's financials on the website.

Joe Barcroft (1617 Sunset) voiced his concern about the slow progress of the boat launch at Horton Park. It was explained that the project was not part of the duties of the Lake Board but in fact it was a state grant to Laketon Township. Janson explained that waiting on the state permit and a fiber optics cable are the primary reasons the project has been delayed.

Eric Anderson (2530 Wisconsin) stated that he was encouraged by a courteous audience and the potential of a fresh start with the Lake Board. He emphasized that the Lake Board

should be more independent with respect to such things as having their own website and a person to take their minutes.

BOARD COMMENTS:

Pek talked about his desire for better communication with the public and thought the Board could employ such measures as; an improved website, email list serves, a Facebook page, and document access like the City of North Muskegon has.

Moore suggested a work session to allow Board members more time to discuss topics like communication, public education, and new lake improvement strategies.

Moore also mentioned the new Deputy Water Resources Commissioner and his background. She noted he had several ideas and asked the Board if they would be open to him working with her to look into additional Lake Improvement strategies with RLS. She wanted to make a list of ideas with him, RLS and Board members to focus discussion in future meetings. The Board agreed that would be appropriate. They would email Moore their ideas and those they have received from the public so she can compile an "options" list. Vanfossan expressed his desire to sit in on any meetings that may occur doing this.

Howell suggested that when we were able to meet with EGLE, the question to them should be "what have they permitted".

It was noted that the next meeting will fall on Veteran's Day and the Board should reschedule. VanFossan said he would look into another suitable date and get back with the Board.

Solomon mentioned he may be able to have more information on phosphorus pillows by next meeting.

Brown emphasized the need for the Board to develop an action plan.

ADJOURN: Moore made the motion to adjourn at 7:45 p.m. Howell supported the motion. Motion carried by voice vote.

Respectfully Submitted:
Brenda Moore
Recording Secretary

Approved by the Bear Lake Lake Board on _____

Signed: _____