

BEAR LAKE LAKE BOARD
REGULAR MEETING
Thursday February 5, 2020
6:00 p.m.
Laketon Township Hall
MINUTES

CALL TO ORDER: The meeting was called to order by Kim Arter at 6:00 pm.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

- **Present:** Kim Arter, Brenda Moore, Darrell VanFossan, Steve Johnson
- **Absent:** John Snider, excused
- **Also:** Dr. Jennifer Jermalowiz-Jones of RLS, Recording Secretary Veronica West and five (5) area citizens.

MINUTES: Brenda Moore moved to approve the minutes of December 12, 2019 as presented. Darrell VanFossan supported the motion. The motion carried by voice vote. The minutes will be placed on file.

REPORTS:

- **Treasurer's Quarterly Report:** Darrell VanFossan gave a brief synopsis of the report, reviewing expenses and pointing out the herbicide treatment was under budget along with a few other items; overall \$20,084.49 under budget for 2019. Brenda Moore moved to accept the report. Steve Johnson supported the motion. The motion carried by voice vote and the report will be placed on file.
- **Restorative Lake Sciences** - Dr. Jones reported she has sent the award letter to EverBlue for the whole lake laminar flow aeration system. She noted they are in the process of getting ready to apply for the permit. Dr. Jones suggested scheduling a meeting with State officials once the contract with EverBlue is approved. Darrell VanFossan asked about the permit fee/cost. Dr. Jones estimated it to be \$800.00.
- **EverBlue Lakes - Proposed Contract** - Kim Arter noted she has not yet heard back from the attorney on the proposed/draft contract. It was discussed that there are two separate contracts, one for the aeration system and one for the bio-augmentation applications. Brenda Moore asked for a "re-cap" from Dr. Jones on the proposal from EverBlue. Dr. Jones touched on the installation, maintenance and repair portions proposed by EverBlue and what is included in the lease agreement contract. Brenda Moore asked how coordination would look; would EverBlue report to RLS and RLS report to the board, or if EverBlue would report directly to the board. Dr. Jones noted that EverBlue would report to RLS and then she would report to the board; it would work just like it does with the herbicide applicator. Darrell VanFossan talked about several questions he has;
 - 2 different compressor sizes are indicated, why?
 - Does there need to be a project manager for a project this size; who coordinates the electrical install portion?
 - There are 11 items in the contract that appear to be left to the responsibility of the BLLB, not EverBlue that could end up costing extra on top of the contract costs.

Dr. Jones noted there is always negotiation involved in these contracts and suggested discussing the questions the board has directly with EverBlue. Brenda Moore noted it will be important to decide who is responsible for each item. Steve Johnson noted he was under the impression that EverBlue would include pretty much everything, including electrical.

Extensive discussion covered getting the attorney review and opinion on the proposed contracts as well as getting all board members questions together and meeting with EverBlue to get all the answers needed before any contract is signed. All agreed it is important to get clarification of what is and what is not included in the lease agreement contracts. It was agreed for all board members to review the proposed EverBlue contracts and submit all questions and concerns to Kim Arter by no later than Friday Feb. 14, 2020 so that she can compile them and submit them along with the attorney's comments (once received) to EverBlue and try to get a meeting with them the week of February 24, 2020; that should give EverBlue enough time to revise their proposed contracts and resubmit them to the board before the March 12, 2020 meeting of the BLLB. There was discussion regarding there being two different contracts; one for aeration and one for bioaugmentation. It was noted one or both can be agreed to/signed once all questions are resolved. Darrell VanFossan commented that currently there is not enough money in the budget for both the aeration and the bioaugmentation; he also noted that the people from Indian Lake said they started with just aeration and added bioaugmentation later but they also said they wished they had started with the bioaugmentation at the same time as the aeration because it was so successful at reducing the muck. There was additional discussion of the budget shortage for this and Kim Arter added that she is planning to put in another request with the State for appropriation funds to address the budget shortages. She also noted she requested appropriation funds last year, but another project was the recipient of the funds. She hopes this means a better chance for the BLLB project to get the appropriation funds this year. Dr. Jones was asked if results can be achieved without the bioaugmentation. Dr. Jones noted that the #1 objective outlined in the plan was to get rid of the toxic blue-green algae and mixing alone will do this. The bioaugmentation is more effective on the #2 objective of removing muck from the bottom. Dr. Jones also talked about not knowing what the State (EGLE) will or will not allow or require in the permitting process and again recommended a pre-permit application meeting with State/EGLE officials to get a better idea of what they will require. Brenda Moore asked about a probable timeline. Dr. Jones stated there is a special permit unit for aeration permits so review time is about 30 to 60 days. She also talked about needing the attorney comments for the EverBlue contracts as well as the board getting their questions answered and hopefully be ready to sign a contract by the next meeting in March, then scheduling a meeting with the State/EGLE officials in April and negotiating on the testing requirements to get the costs down, then hopefully a permit issued in May and install of the system occurring in August.

COMMUNICATION: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

- **Proposed Budget Amendments:** Darrell VanFossan presented proposed budget amendments, noting that 2018 & 2019 years enjoyed being underbudget, then noting the changes made to upcoming years 2020, 2021 & 2022. (Current budget numbers are shown in one column, proposed budget numbers shown in the next column and anywhere there are numbers that are more than the original budget, they are shown in red). The proposed changes to the next 3 years include moving the contingency money not used in 2018 and 2019 into the next 3 years to spend on the aeration system, reducing budget for herbicide treatment, reducing budget for RLS (professional limnologist), reducing the budget for attorney fees, reducing the budget for assessment appeals to zero, increasing the budget for the aeration system as the costs are more than originally estimated in the budget, adding a line item for electricity costs for the aeration system that was not included in the original budget, increase the budget for insurance as the costs were more than anticipated upfront, reducing the budget to zero for misc

items like publications and mailings etc and also reducing the line item for contingency to zero as well. It was also proposed in this amended budget to forego bioaugmentation until funding is secured. This would result in a much smaller budget shortfall that could potentially be covered by appropriation funds from the State if the request is approved.

Discussion covered each line item, it was suggested even more could be moved around to cover the aeration system by removing herbicide treatment completely for the next three years with Dr. Jones noting that there is very little vegetation in the lake that is invasive and allowing native vegetation, and even some of the milfoil to grow back will also help the algae issues, but this will need to be monitored closely. Brenda Moore expressed concerns about operating with no contingency funds in the budget but does understand the budget crunch that is needed. She also commented on the timing/cash flow issue and wondered about possible solutions such as a short term loan from the municipalities like the did with the start up loans. There was discussion of the budget shortfalls, the underfunding of the project up front because of the unforeseen issues with finding petroleum in the sediment cores of the lake in several locations. Darrell VanFossan commented that this budget is getting more clear, but still needs clarification on the aeration system to make it better. Dr. Jones commented that the electrical install costs should be requested to be included in the EverBlue contracts as this is typically done with systems like this. Brenda Moore moved to approve the proposed amended budget for years 2020, 2021 and 2022 with one change, to reduce herbicide treatments to zero for these years and apply those funds to the cost of the aeration system. Steve Johnson supported the motion.

Roll Call Vote

Voting in favor of the motion: Brenda Moore, Darrell VanFossan, Steve Johnson and Kim Arter

Voting in opposition of the motion: None

Motion Carried.

Darrell VanFossan noted this board is always able to make further amendments anytime they are needed when the situation warrants - such as after contract negotiations with EverBlue are completed or if herbicide treatment ends up being needed to control invasive weeds or toxic algal blooms.

- **RLS Professional Aquatic Consulting Services Contract 2020:** Kim Arter noted the contract services costs are down to \$22,000 for this year (original budget was for \$38,000). Dr. Jones provided a supplemental informational cost breakdown, item by item. Dr. Jones also commented that she hopes that by having a pre-permit application meeting with EGLE officials that testing costs can be further reduced. Brenda Moore commented that she will also look into seeing if her drain district upstream can cover any of the costs for the testing as the drain empties into Bear Creek which empties into Bear Lake. Brenda Moore moved to approve the contract with RLS as presented. Darrell VanFossan asked Dr. Jones if paragraph 8 costs have been reduced from \$10,000 to \$9,625, to which she replied in the affirmative. Brenda Moore amended her motion to approve the contract as presented but with the one updated figure of \$9,625 in paragraph 8. Darrell VanFossan supported the motion.

Roll Call Vote

Voting in favor of the motion: Steve Johnson, Brenda Moore, Darrell VanFossan and Kim Arter

Voting in opposition of the motion: None

Motion Carried.

Brenda Moore thanked Dr. Jones, noting she is very appreciative of the level of service being provided and it is a lot for the money.

PUBLIC COMMENT:

Lori Archer of 1499 Glenwood - Mrs. Archer expressed concerns about EverBlue and the high cost being assessed to residents and expressed concerns that 2 members of the board were not present at the EverBlue presentation. Mrs. Archer also expressed concerns that the assessments will “never go away” and feels shocked that this board is pushing so quickly for the aeration system. She suggested the residents that are paying for the system be asked if they want it as well as asking them if they realize this will be an ongoing expense.

Paul Pek of 52 N. Bear Lake Rd - Mr. Pek stated he and several of his neighbors are unhappy with the expense and feel they have no say in the cost and have received no notifications of meetings and has to go to the website to find out when the meetings are. He also stated he hasn't seen much improvement at his dock. He also asked if any other funding sources have been investigated, such as grants. He added that this is a public lake and others use it and should have to share the costs. Kim Arter responded stating that public hearings were held and the public act followed with regard to every property owner being noticed. Kim Arter also noted that the only way to have other people other than lakefront property owners pay for the lake would be to get a millage passed, which is a very difficult thing to do; it is costly to hold an election with no guarantees it will pass.

Mark Besteman of 1671 Mulder - Mr. Bestemen commented that the cost is tough and he is on his 3rd payment and sees less and less service and feels it looks bad to residents to pay more but get less service. He commented that this was “sold” to residents as a 5-year plan and now it looks like it will be an ongoing thing with no end. He asked what happens at the end of the 5 year budget, what happened to the aeration system contract. Kim Arter responded by stating that no contracts will be signed by the board beyond what has been approved and budgeted for. She also explained the special assessment process, noting specifically that at the end of any special assessment project time frame, in this case 5 years, there are requirements to hold public hearings again to renew or continue any special assessment district. Mr. Besteman stated the public needs to know about the problems in Bear Lake and asked what happens if the aeration permit is denied or delayed and there is not weed treatment this year. He stated the residents could “revolt” if there is not weed spraying, no aeration and not treatment this year with no communication. Kim Arter responded, noting that if this board (BLLB) goes away, there won't be anyone doing anything to correct the problems in Bear Lake.

Rhonda Pek of 52 N. Bear Lake Rd - Mrs. Pek asked about public education and asked if anyone has approached the science teachers at North Muskegon for help in this area to get the kids involve and thereby their parents to get more support. Mr. Pek also asked about utilizing Facebook or NextDoor.com for education of residents rather than just a website.

Dr. Jones responded to the residents by reiterating how sick Bear Lake is, that there is a strategic treatment plan in progress that is beyond just invasive weed treatments. She added this lake is dying, has dead zones with no vegetation at all that contribute to the algal blooms and a build up of copper sulfate that will never go away.

BOARD COMMENT:

Kim Arter: Commented that what is going on with this project is much different than the simple herbicide/weed treatments that have gone on in the past. This is a whole lake treatment/management to revitalize a very polluted lake and bring it back to health in a more holistic way. She also added that this board and the Bear Lake Preservation Association have been trying to educate the public, the Bear Lake Preservation Association put out a very nice booklet to that affect, which was mailed to every single lakefront property owner. She also discussed Acts 451, that statute under which this lake board was formed which directs how the board must do certain things, how properties are assessed etc. She discussed grants, noting their must first be grants offered for which this project qualifies and then there is a lot of work and “strings” attached to the grants; such as matching funds. She encouraged everyone to visit the website (www.laketon.org/bllb) for information and to write to legislators in Lansing about Bear Lake and encourage them to vote for the appropriations that have been requested. She added she requested \$15,000 last year but did not get it, but will be requesting it again this year. She was asked why not charge a boat launch fee at the park, but she stated that the boat launch is the result of grant funding and one of the stipulations of the grant funding is that there be no fees charged to use the boat launch.

Darrell VanFossan: Commented that back when this board interviewed potential consultants for this project, RLS was selected for its holistic, natural multi-faceted approach to treating this lake. He added that on his visit to Indian Lake they told him many residents there were very skeptical of this system and now everyone is very happy with it and they do not want to turn it off because their lake is so nice now. He added that decades worth of pollution cannot be reversed or solved in just 5 years.

Steve Johnson: Commented that funding sources and options were discussed in the very beginning of this project. He added that something had to be done or the lake conditions will only worsen and property values will decline. He stated he feels this plan is much better than continuing to dump more chemicals into the lake. Kim Arter also added that chemical treatments of weeds in the past have contributed significantly to the algae problems currently being seen.

Brenda Moore - Commented on the special assessment statute, noting that only lakefront property can be assessed, but she discussed drain districts that exist upstream where many property owners are paying assessments. She also pointed out several other remediation projects (the old celery flat area, the oil seep in Fenners Ditch, the phragmites project) that have contributed many millions of taxpayer dollars into improving Bear Lake. She went on to discuss the fundamental change to the approach of cleaning up Bear Lake and noting that the current situation of low biodiversity, low water quality, toxic algae and low oxygen can all be made better by this new approach. She stated she feels good about the science and the aeration system has been fully vetted. She also added that a lake board is about managing the resource over the long term after decades of abuse and it is required by law to be done in increments.

ADJOURN: Brenda Moore moved to adjourn the meeting. Steve Johnson supported the motion. The motion carried by voice vote and the meeting adjourned at 7:55 pm

Respectfully Submitted:
Veronica West
Recording Secretary

Approved by the Bear Lake Lake Board on_____.

Signed: _____.