

BEAR LAKE LAKE BOARD MINUTES
REGULAR MEETING
WEDNESDAY, DECEMBER 09, 2021, 6:00 PM
N. MUSKEGON CITY HALL

I. Call to Order

The meeting was called to order by Chair, Darrell Van Fossan, at 6:02 PM

II. Guest Speakers

A. Al Steinman, GVSU AWRI Director

1. Dr. Steinman gave a presentation with a PowerPoint titled “Bear Lake Restoration Overview”, which will be posted electronically.
2. His studies have shown that Bear Lake does not have an issue with low oxygen due to it being a shallow lake and constantly turning over from waves, with that, aeration would not be effective.
3. His studies have shown high phosphorus level at the bottom of the lake, but if oxygen levels stay good, it will not be released.
4. The main issue is high phosphorus levels from external load.
5. He discussed that in 1994 the Muskegon Lake “Area of Concern” was expanded to include Bear Lake, which allowed for them to apply for funding, and led to the cleanup and dredging of the celery flats, which had a super high level of phosphorus.
6. He said we have already started to see the improvements from the celery field cleanup project, but need to wait for the wetlands to restore, as things were hampered by the recent high water levels, and the shoreline vegetation was not able to grow and act as a filter, and there was significant backflow from Muskegon Lake and Lake Michigan which didn’t allow the filtering and expelling of phosphorus.
7. Dr. Steinman addressed a common thought that fertilizing lawns is bad for the lake. He said that if the lawn is healthy with good root structure, they retain nitrogen, but yards that are in bad shape and have runoff, could pose issues.
8. He indicated that PLM is a good company for herbicide and algacide treatments.
9. Van Fossan asked about oil. Dr. Steinman stated that his studies did not measure or look into anything with the oil in sediment, but Kathy may have some info on this.
10. A resident asked about Septic Systems and if they are harmful for the lake. Dr. Steinman stated that as long as they are well maintained and of proper size, they don’t pose any issues, but ones that are in bad shape can. He brought up Silver Lake as an example, as there are many small and old septic systems and new residents built much larger homes with more people and kept the old system, which the leech into Silver Lake.

11. Pek asked what we could do to improve our lake. Steinman indicated that Shoreline buffers are always beneficial.
 12. A resident asked about a filtration system for Bear Creek flowing into Bear Lake. Steinman said the work from the celery cleanup, including planting natural buffers and marshes. We need to wait for it to grow, and need to wait for water to go down, and may need to do some more planting. Moore brought up that charcoal filters could be put on storm-drain type of water going, but not on natural water ways where fish need to be able to swim up and downstream.
 13. A resident asked about aeration and if we should wait to do any major projects. Dr. Steinman advocated for patience. He said to let the \$7M project work its course, and that we are already seeing some initial improvements and will continue to see more. Steinman brought up that the main reason for the EGLE denial was petroleum, and we still haven't been able to pinpoint the source of the petroleum.
- B. Kathy Evans, WMSRDC Environmental Planning
1. Her message is that there are a lot of partners to work with. She said having a 319 watershed management plan, which is already in place for the entire Muskegon Lake Watershed, is a huge plus. This makes it much easier to get grants for projects like buffers and filters.
 2. One project her office did with the Delta institute was a nutrient filtering wetlands just below Twin Lake.
 3. She feels we can do more low impact development with buffer and filters. Tree planting, etc.
 4. A resident asked a question about a new drain system that was built for an old subdivision in Laketon Township that drains into Bear Lake. Kathy mentioned one of the projects they did was review ordinances of townships and how they could require buffers and filters. Moore said the townships sends plans to her office for review, and said most of the powers come through zoning restrictions and that Laketon Township is one of the better ones. The resident brought up concerns about the soil in that area being contaminated with petroleum.
 5. A resident brought up the work Kathy helped with eliminating the phragmites, and how those are no longer a problem on our lake. He also brought up if we should consider Milfoil similar to phragmites. Kathy said this is typically through lake associations to selectively treat. She said the watershed usually stops once you get inside the lake.
 6. Kathy brought up the project to cap Fenner's Ditch, and working on Zephyr oil refinery site and projects to improve water flowing from there into Muskegon and Bear Lake watersheds.
 7. Kathy is retiring, but will be looking to possibly do some volunteering in the future.

III. Pledge of Allegiance

IV. Roll Call

Present: Darrell Van Fossan, Brenda Moore, Craig Howell, Paul Pek

Absent: Doug Brown

Also present: Alan Steinman, Kathy Evans, Jennifer Jones, Mike Solomon

V. Approval of Agenda (on recording)

A. Van Fossan discussed getting approval for this month's agenda.

B. Moore made the motion to approve the agenda as written. Howell supported the motion. The motion carried by unanimous voice vote.

VI. Minutes

A. Pek will act as temporary recording secretary/minute taker again this month.

B. Moore made a motion to approve the minutes of November 10, 2021 meeting as corrected. Howell supported the motion. Motion carried by unanimous voice vote. The minutes will be placed on file.

VII. Budget/Expenditures (Howell)

14. No new updates.

VIII. Reports/Updates (RLS – Mike Solomon)

A. Status – 2022 RLS/BLLB Contract

1. Van Fossan just received a revised counter-offer contract, copy attached. Action item: Get Darrell Comments Feedback by 20th of December, current contract ends January 14.

B. Status – Feedback from EGLE meeting with RLS/BLLB

1. Brenda, Darrell, Mike Solomon took part in the meeting.

2. EGLE kept reiterating issues of potential petroleum impact to fish and wildlife, and work should be done in watershed, but the lake board doesn't have authority for watershed projects, only those in the lake.

3. Mike Solomon called a friend who is in petroleum cleanup. Bill Dooley, and participated in Fenner's ditch. He recommended aeration and dredging, but it needs to be tied back to orphan wells. Will be pursuing this a little further. He did say they would like more bottom sediment data.

4. Still talking with PLM with using Phosloc in Fenner's Ditch, which could greatly help the problems in that area and be relatively low cost.

5. Van Fossan brought up EGLE said that you shouldn't rely solely on one item for improvement, and keep several things in the toolbox

6. Moore indicated that EGLE questioned why we were pursuing aeration when there are not issues with low oxygen levels. They also brought up natural shoreline, bioengineering.

7. Moore also indicated EGLE gave much better details in some letters, which will be shared on website

8. Moore brought up that the head of Water Resources out of Lansing that was at the at EGLE meeting, she said the law said if there could be and adverse impact on any aquatic resources, they are supposed to say no. Moore asked about threshold levels, but they don't really consider any level for a threshold.
 9. Moore indicated that someone said that our sediment samples for petroleum were not properly taken. Maybe that had an impact.
- C. Status – 2021 Annual Bear Lake Update/Trends/Summary
1. Jennifer Jones Will be giving an update in January
 2. Jennifer will be going back over the original study and potential solutions

IX. Communications From Laketon Township

1. Copy of communication for Township because they received several complaints from residents about the next assessment and whether they must pay it, given the aeration project. Van Fossan reiterated that residents do have to pay their assessments.
2. Van Fossan said NM City and Laketon can forward complaints to him to respond to
3. Moore discussed that NM and Laketon are in this with us, and they should have staff that should be able to answer basic questions.
4. Pek brought up that we don't know what we're going to do in respect to a future assessment. There are several scenarios 1) We may legally have to refund what's leftover, and that's something we need input from our attorney on, and would have to start from scratch with a new assessment, 2) Could put a pause on any new assessment until we spend down the balance, 3) Have could have a substantially lower assessment, so residents are still aware this exists, maybe \$50-\$100 per year vs. current \$500, but explain this could go up at the next assessment if funds are depleted.

X. Old Business

- A. 2022 Treatment Protocol (Van Fossan)
1. Van Fossan indicated the main focus was to streamline things so we can react faster to issues.
 2. Discussion took place around how Van Fossan should not take all the work on his shoulders, and should also involve the other lakefront owners on the lake board. Van Fossan indicated that was added that Pek and Howell will be involved as fellow lakefront owners
 3. Pek brought up that the wording on the surveys should be changed from 5 aquatic surveys, to "up-to" 5, so we are not required to do surveys if they are not needed.
 4. Discussion that Van Fossan would have allowance to treat up to the budgeted amount, and anything further would require the board to increase the budget.
 5. Moore moved to approve with as amended (removing the year and add up-to in front of the 5 surveys). A roll call vote took place: Moore-Yes, Howell-Yes, Pek-Yes, Van Fossan-Yes.

- B. Recording Secretary (Howell)
 - 1. Marlene will start for us next month. City of NM employee that they will allow us to have limited use for minutes.
 - 2. Some discussion took place that the minutes will be covered by NM, and that other assistance would be charged. Moore recommended an Memo of Agreement so we have that documented and how much it will cost per hour.
 - 3. Moore motion to approve the job description (conditional upon memo of agreement with the city) Howell seconded. Motion carried by unanimous voice vote.

- C. BLPA President/Leader (Van Fossan)
 - 1. Van Fossan brought up that the BLPA still exists and Van Fossan is still on record as the President, and is looking for someone else to volunteer and take over as President.
 - 2. Pek indicated that the only indication of this association was the nice booklet that he received. He has never seen anything about meetings, etc. He recommended to Van Fossan to put a post out on the area "Bear Lake Property Owners" Facebook page, and he may find someone interested.

- D. Website/Communications (Pek)
 - 1. Pek has started development on the new bllb.org website with an estimated completion in January. Not sure yet if we will use NM's Documents on Demand site, or host documents directly on the website.
 - 2. Pek has created, but not published a "Bear Lake Lake Board" Facebook Government Organization page. This page will be used as one mode of communication to post things like Meetings, when the website is updated, etc.
 - 3. Pek plans on reaching out to start gathering contact information from Riparians through various methods. Facebook posts, word of mouth, and getting with each municipality for the information they have.
 - 4. Howell and Pek discussed the texting utility that NM uses and offered to us. The plan is to use that selectively for things like spray dates.

XI. New Business

- 1. No New Business

XII. Workshop

- A. Open Meetings Act Training/Bylaw Finalization
 - 1. Van Fossan shared Meeting Notice update on the workshop scheduled for January 31
 - 2. Van Fossan discussed we need to have a working session as next step on the bylaws, and then discuss with the attorney. May have time available after the Open meetings act to discuss some of this with the attorney.

- B. Improvement Development Plan – EGLE Feedback
 - 1. Van Fossan discussed a working session to discuss a plan for the lake. Dr. Jones mentioned they will be making some recommendations at their January update.

XIII. Next Meeting

- A. January 13, 2022 at 6:00 PM at North Muskegon City Hall
- B. Final review and approval of RLS/BLLB Contract – Action to get comments to Darrell by December 20.
- C. RLS Year End Summary/Lake Improvement Recommendations
- D. 2022 Budget Revisions – preliminary year end, and new budget

XIV. Public Comments

- A. Dave Shields: Going forward, are we looking at other Lake Mgt Companies, maybe we should take to look around at what others have to offer. We may get some fresh ideas. Van Fossan indicated that we don't have the time to make a change and is recommending we stay with RLS. Pek did add there is a clause in the contact that either party can back out of the contract with 7-day notice.

XV. Board Comments

- A. Moore brought up that we're making a lot of progress, but we are a little overloaded with topics
- B. Moore stated we should be careful on switching to a new lake management company. She's been involved with several that only look at using chemicals. Just adding chemicals is not the answer. She said the law is very specific of what is necessary. Pek asked what law she was referring to, she brought up getting approval to spray and that it's all tied to a law. Van Fossan indicated that he is open to objective bidding
- C. Discussion took place about what is needed for the future. Do we need to start over with a professional engineer and feasibility study, or is it a one-time thing? Dr. Jones indicated that it's only needed if you change the scope, otherwise you can just amend the plan.
- D. Moore discussed that if you change, you must start from ground zero. Unless someone is completely incompetent, you should stick with same firm. She said it's majority rules, but may be opening up a can of worms. More wanted to go on record that she was not present at the meeting where RLS was picked as the lake management firm.
- E. Pek brought up that we need to have KPIs (key performance indicators) and review RLS to insure they are doing a good job, just like a school board reviews the superintendent. He doesn't see that right now. What is success? Moore agreed that an evaluation is great.
- F. Pek brought up the aeration project, and his stance being against it. He indicated that the board supported this, and so did RLS as one of the solutions. This would be a negative on any review.

- G. Moore indicated that RLS and our Board are attempting to regain credibility and are in regroup mode. Van Fossan indicated that better communication is needed.

XVI. Adjourn

- A. Moore made a motion to adjourn, which was seconded by Howel. Motion carried by unanimous voice vote.
- B. Meeting adjourned at 8:10 PM.

Submitted:
Paul Pek

Approved as corrected by the Bear Lake Lake Board on: **1/13/2022**

Signed: _____