

# BEAR LAKE LAKE BOARD

REGULAR MEETING

Thursday 10/13/2016

10:00 a.m.

## MINUTES

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**CALL TO ORDER: 10:07 am**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

**Present:** Sam Janson, Kim Arter, Brenda Moore, Terry Sabo and Darrell VanFossan

**Absent:** None

**Also:** Recording Secretary Veronica West, and one area citizen.

**MINUTES:** Sam Janson moved to accept the minutes of the July 15, 2016 Regular Bear Lake Lake Board Meeting as presented. Brenda Moore supported the motion. The motion carried by voice vote.

**REPORTS:**

**Draft Outline of Lake Management Plan:** Brenda Moore informed the Board that she had shown the draft outline document to some local environmental/ecological experts and they felt it was very thorough and noted these experts also offered to review of the full draft plan once it is written. Darrell VanFossan had questions about the lake management portion of the plan and how the management is accomplished; with local ordinances, cooperation of local government etc. Brenda Moore noted those are possibilities. She also stated that education of the public is an important strategy in any lake management plan, as well as noted the plan is a fluid document that can be amended over time as some things are accomplished and new things arise that need to be addressed. Kim Arter noted that when writing the management plan and implementing the plan, groups like the West Michigan Watershed Collaborative and West Michigan Shoreline Regional Development Commission (WMSRDC) are good resources. She also mentioned a grant recently awarded that will result in a Shoreline Resiliency Plan that could also prove helpful to this board. Terry Sabo moved to authorize Brenda Moore to move ahead with writing the draft plan as per the presented outline. Darrell VanFossan supported the motion. The motion carried by a voice vote.

**Timeline:** Brenda Moore stated that she has been working on a general timeline and wondering if the draft plan document should be completed first before obtaining a consultant but didn't think she could have the document ready until January 2017 and that this scenario is quite different than what has been previously discussed. Time line to roll out to the public was discussed, but noting a consultant should be in place first and have reviewed the draft plan. There was discussion of public hearings and informal town hall meetings, noting they need to be in the evening and at both municipalities so that everyone has equal opportunity to attend at a convenient time and location. Spring was discussed as a potential target date for the informal town hall meetings to roll out the draft plan to the public and Kim Arter noted that the town hall meetings should take into account the amount of people that go south for the winter. April was discussed as being a reasonable time. It was also noted the town hall meetings are to roll out the draft plan to the public and are separate and different from the required public hearings related to levying a special assessment. Terry Sabo stated his concern that people aren't aware of the Lake Board and the meetings and stressed the importance of evening meetings for people. Kim Arter agreed that evening meetings are important and stated she talks to people about this board whenever she can. Darrell VanFossan also noted that he educates everyone he can and that the Bear Lake (homeowners) Association is well aware of this Lake Board. There was also discussion on the timeline for the RFP for a consultant, when to put it out (either before or after) the draft plan is written. Discussion consensus was reached to concurrently have the writing of the draft plan occurring at the same time that the RFP is going out so that when the draft plan is done and ready for review a consultant will be in place and public town hall meetings can be scheduled in the spring. Based on discussion Brenda Moore commented that a general timeline could be put together with the RFP for a consultant going out in the next couple of weeks with a deadline for submission being November 30

2016 at 4:00 pm while concurrently she is working on writing the draft plan, then in April 2017 plan for town hall meetings to share the draft plan with the public and May 2017 public hearings on the special assessments. There was a bit of discussion on monetary figures and budgets and special assessments. It was noted that a special assessment district needs to first be outlined and then public hearings as prescribed by law. Discussion also touched on up front costs of attorneys, consultants, public hearings, and public benefit. Kim Arter noted that Bear Lake has been the recipient of considerable public funds recently with the multi-million dollar clean up project at the north east end of the lake and the grand funds for the phragmites control.

**COMMUNICATION:** None

**PUBLIC COMMENT (On an Agenda Item):** None

**OLD BUSINESS:**

- **Item 2016-03: Proposal to send out and RFP for Attorney Services:** Kim Arter brought this item back to this Board since it was tabled at the last meeting and pointed out that there are legal requirements for this board and she feels it is important to get an attorney to make sure everything is done properly. Brenda Moore shared her findings into looking for local environmental attorneys, noting only two in Muskegon but hundreds in the Ottawa and Kent County area. Sam Janson stated he felt an attorney in municipal law would be a good fit for this type of work. Discussion also noted that the board agreed they do not want an attorney with ties to either municipality or Muskegon County to avoid any conflicts of interest. Several local firms were discussed and Terry Sabo recommended sending the RFP to the local bar association as well. Sam Janson moved to have Laketon Township release and RFP for securing attorney services for the Bear Lake Lake Board. Brenda Moore supported the motion. The motion carried by voice vote.
- **Item 2016-04: Proposal to put out an RFP for an engineering firm:** (*note: this was on the agenda as new business item 2016-05 by mistake*). Sam Janson move to send the RFP as drafted, reserving comments received from a local expert for the interview process. Darrell VanFossan supported the motion. Darrell VanFossan had a couple of questions on the RFP, with regard to the aquatic vegetation and if they will note both the good vegetation and the bad and also when there is no specific request for costs. Discussion of this covered that all vegetation should be included in the survey requested and that the need for cost is implied. Sam Janson also noted that if costs are asked for is should be required to be "itemized" and Darrell VanFossan felt more comfortable asking for itemized costs on the RFP. Also discussed release and due dates, with the consensus being to put the RFP out in the next couple of weeks with a due date of November 30, 2016. Sam Janson amended his motion to include asking for itemized costs. Darrell VanFossan supported the amended motion. The motion carried by voice vote. There was also discussion regarding 2017 treatment of the lake and if the plan will be in place in time to proceed of if the Bear Lake Association will still need to plan to treat in 2017. There was discussion of looking into the possibility of the municipalities contributing the funds up front and recouping it via the special assessment. Brenda Moore cautioned on the Bear Lake Association collecting for treatment in 2017, then also collecting the special assessment in the same year. Terry Sabo also recommended getting legal counsel's opinion on the legality of the municipalities putting out the funds up front.

**NEW BUSINESS:**

- **Item 2016-05: Compensation for Recording Secretary:** (*note: this item was incorrectly numbered as 2016-06 on the agenda*) Kim Arter stated that currently a Laketon Township employee has been used to take and prepare this Board's minutes and is being paid her normal salary as the meetings have taken place during the normal business day, however, there will be meetings coming up that will take place in the evenings and in other locations and the service will need to be paid for. It was noted that court reporters can be hired, and the rate is about \$200. Darrell VanFossan expressed concerned that the public may be confused as to the need for a recording secretary when the Board has a secretary. Sam Janson explained that the Board secretary is not the same as a recording secretary, but is formally responsible for signing minutes and legal documents. The group's consensus was that it is much too difficult to fully participate in the meeting and try to take

good notes for minutes and then put them together in a complete document after the meeting. Kim discussed an hourly rate versus a per meeting stipend. Brenda Moore commented on the hourly rate style of compensation and noted that there needs to be a minimum of 2 hours paid, plus a per hour rate after that, as some meetings might be short and some long and then there is work yet to be done to prepare the minutes document after the meeting. Sam Janson moved to authorize compensation to the recording secretary at cost as Laketon Township is the fiduciary for the Bear Lake Lake Board. There was discussion of the hourly rate plus administrative costs and Bear Lake Lake Board reimbursing Laketon Township as the township general fund should not be paying these expenses. Sam Janson also mentioned that the City of North Muskegon offers comp time in lieu of overtime pay. There was no support for Sam's motion. Brenda Moore moved to offer an hourly rate of \$20.00 per hour with a two hour minimum for meetings that take place after normal business hours. Terry Sabo supported the motion. A roll call vote was taken: Voting No: Sam Janson, Darrell VanFossan, Kim Arter, Terry Sabo and Brenda Moore. The motion was declined.

Sam Janson offered an explanation on his no vote stating it is not appropriate to set an hourly rate when there are overtime rates and administrative costs involved because the hourly rate does not make Laketon Township whole in its reimbursement. There was additional discussion about costs. Darrell VanFossan suggested getting a legal opinion. Terry Sabo agreed, and suggested this get brought back to the board under old business at the next meeting..

**NEXT MEETING:** The date for the next meeting was discussed and agreed to be held on Thursday December 1<sup>st</sup>, 2016 as it is the day after the RFP's are due for an engineering consultant. The meeting time will be 10:00 am at Laketon Township Hall.

**CITIZENS COMMENTS:** Kim Arter announced that after many years of work, the EPA and DEQ have awarded a grant of \$700,000 to cut off the oil flow in Fenner's Ditch (that flows into Bear Lake). She added that the barge is already there and work is getting started.

**ADJOURN:** Sam Janson moved to adjourn the meeting. Brenda Moore supported the motion. The motion carried by voice vote and the meeting adjourned at approximately 11:45 am.

Respectfully Submitted:

Veronica West  
Recording Secretary

Approved by the Bear Lake Lake Board on \_\_\_\_\_.

Signed:\_\_\_\_\_.