

BEAR LAKE LAKE BOARD

REGULAR MEETING

Tuesday 03/21/2017

6:00 p.m.

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: Sam Jansson, Darrell VanFossan, Kim Arter, John Snyder and Kim Arter

Absent: None

Also: Attorney Ron Bultje, Consultant Jennifer Jermalowicz-Jones, Recording Secretary Veronica West, and approximately ten (10) area residents/citizens.

MINUTES: Darrell VanFossan moved to accept the minutes January 18, 2017. John Snyder supported the motion. The motion carried by voice vote. The minutes will be placed on file.

REPORTS:

- **Ron Bultje – Attorney:** Kim Arter introduced Ron Bultje whom the BLLB has hired as their attorney and asked Mr. Bultje to give a summary overview of the Special Assessment District (SAD) process. Mr. Bultje stated that resolutions adopted by each municipality have formed this board and directs the board to hire an engineer/consultant to create a lake management plan and once the plan is created he explained the timeline to hold a public hearing on the plan. He outlined timeframe and publication requirements for the public hearing as well as timelines for the board to act with regard to accepting the plan and the timeframe for public protest of the plan. Next he outline the SAD process, with regard to preparing a roll, outlining the SAD district and the timeframes, mailing to residents and publication requirements for the various public hearings that are required. When asked about the monetary part of a special assessment, Mr. Bultje noted that the special assessment can be collected as a one time payment or spread out over time in up to 30 equal annual payments. He added that the special assessment becomes a lien on the property and interest can be collected on the assessment if it is spread out over multiple years and that there are interest and penalties for delinquent assessments. In addition, he added that if the initial special assessment amount is not adequate to pay for the project, there is a process by which the additional amount needed can be added to the assessments. There were questions asked with regard to how to get started as the board currently has no money to get started. Mr. Bultje explained that the board has the authority to borrow money or issue bonds. Mr. Bultje also noted that counties are able to contribute/front the funds to a lake board, or an intergovernmental agreement could be used for the city/twp to front the funds to the lake board. There was discussion about each municipality granting no interest loans to this board but there have been conflicting legal opinions on this and more information is needed. Brenda Moore noted that there are many lake boards around the state as well as the local area and they would have the same issue with lack of funds to get started – it would be a good idea to inquire as to how they handled this issue. Ms. Jermalowicz-Jones noted some lake boards she is experienced with have borrowed their start up funds from a County Revolving Fund. Also discussed loans or donations from private citizens to the board and Mr. Bultje stated a loan from a private citizen would be a bad idea as it would give the appearance of undue influence but citizens could donate funds to the lake board. After discussing the up front funding issue, the board arrived at a consensus to have Mr. Snyder talk our county officials about the potential to borrow \$15,000 in start up costs from the Muskegon County Revolving Fund as a first step, and ask for said loan to be interest free. Brenda Moore commented that this process is quite

overwhelming for residents and asked that the process be outlined in a “bulleted format” in chronological order to make it easy for residents to understand, and then the board can fine tune it with actual dates when tasks are to be accomplished. Mr. Bultje and Ms. Jermalowicz-Jones will work together on that document. Darrell VanFossan asked how the assessments would be determined. Mr. Bultje explained that the assessments can be applied by the foot/frontage or per parcel, and he added that in Spring Lake, the assessments were applied evenly per parcel as it is difficult to determine that larger parcels get a larger benefit – except perhaps in the case of a parcel being divided, in which case the law has provisions for adding parcels if land is split after the special assessment district is in effect.

- **Draft Outline of Lake Management Plan:** Brenda Moore put together a draft outline to get the plan started and provide a framework for the overall plan, the intent of which was to save the board some money and to save the consultant time. She added that many lake management plans have a very narrow focus on vegetation, but that she wanted a plan that also incorporates public education and goes beyond chemical treatment and takes a more holistic approach to the whole lake. A copy was provided to Ms. Jermalowicz-Jones upon her arrival at this meeting.
- **Jennifer Jermalowicz-Jones - Consultant:** Kim Arter introduced Ms. Jermalowicz-Jones of Restorative Lake Sciences as the consultant hired by this board. Ms. Jermalowicz-Jones gave an overview of the process, noting that the first step is to conduct the feasibility study, which is required by the state statute, and use the information from the study to construct a lake management plan which will be implemented over a 3 to 5 year period. She did note that she has been reading many of the documents from other organizations regarding the conditions of Bear Lake and she thinks a 5 year plan will be needed here. She discussed sampling/surveying timeframes that will need to be met to get a plan together by November of this year and noted part of getting the plan completed is public/community input to come up with goals and objectives desired by the community. Discussion also covered the dates information is needed in order to get special assessments added to property tax bills, the consensus seemed to be that the earliest this could all get done and any special assessment applied to tax bills would be in the winter 2017. Darrell VanFossan brought up the Bear Lake (homeowners) Association and their plan to treat the lake again this year as they have been for numerous years and how that would impact sampling. After much discussion, it was determined that there is flexibility with sampling dates and chemical application dates and Darrell would stay in contact with Ms. Jermalowicz-Jones to coordinate these activities for the best results. There was additional discussion of the feasibility study and making it user/public friendly by using layman’s terms whenever possible. Ms. Jermalowicz-Jones stated the draft plan provided is a good start and can be incorporated and added to the feasibility study and overall plan. There was also discussion of utilizing resources and professionals in the area that are familiar with Bear Lake and the whole watershed, such as WMSRDC (West Michigan Shoreline Regional Development Commission) and Muskegon County GIS for mapping and aerial photographs etc. Brenda Moore offered to be the person to gather much of this information for the consultant to integrate into the plan. Ms. Jermalowicz-Jones reiterated the importance of getting the feasibility study completed as the scientific data is needed to create a plan to manage the lake and implement the plan to meet the goals and objectives of the plan. Sam Jansson moved to direct the consultant to take this draft plan and work to implement it into the feasibility study as well as to create a detailed timeline regarding the entire SAD process. Darrell VanFossan supported the motion. The motion carried by voice vote.

COMMUNICATION: NONE

PUBLIC COMMENT (On Agenda Item):

- Russell Nagel, 1110 Moulton Ave: Mr. Nagel had two questions: What is the stated goal and intent of this project? Kim Arter stated the goal is to better manage the lake and not just spray chemicals for weeds. Ms. Jermalowicz-Jones elaborated by stating it’s to make Bear Lake the best it can be by improving water clarity, managing weeds, reducing chemicals, improving the fishery etc. Sam Jansson explained that the plan, once written will state specific goals and objectives and right now it is too early in the process to have specific goals as the scientific data needs to be gathered first.

Does the assessment district include parcels beyond those with lake front property or include drains that lead to the lake? Kim Arter noted the district has not yet been outlined and is to be determined by this board but everything will be looked at very closely.

Mr. Nagel also commented that he hopes this board will go beyond the required legal publications and do mailings to affected property owners.

OLD BUSINESS: NONE

NEW BUSINESS:

- **Establish Regular Meeting Schedule:** Darrell VanFossan noted the Bear Lake (homeowners) Association meetings are scheduled for the 2nd Thursday of every month at 7pm. Establishing a regular meeting schedule was discussed, various days/times were discussed and it was noted it would be beneficial to schedule it so as not to conflict with the homeowners association. Brenda Moore moved to create a regular monthly meeting schedule for the calendar year of 2017 and for said regular monthly meetings to take place on the 4th Thursday of every month at 6:00 pm, with meeting locations rotating between the two municipalities. Sam Jansson supported the motion. The motion carried by voice vote. Kim Arter noted that meetings can be cancelled if there is no business to attend to in any particular month. Meeting dates/times and meeting minutes are posted on a page of the Laketon Township website. The meeting dates for the rest of 2017 are as follows: April 27th, May 25th, June 22nd, July 27th, August 24th, September 28th, October 26th, November 23rd and December 28th.

PUBLIC COMMENTS: NONE

ADJOURN: Sam Jansson moved to adjourn the meeting. John Snyder supported the motion. The motion carried by voice vote and the meeting adjourned at 7:17 pm

Respectfully Submitted:
Veronica West
Recording Secretary

Approved by the Bear Lake Lake Board on _____.

Signed: _____.