

BEAR LAKE LAKE BOARD

Hearing of Special Assessment

10/05/2017 at 6:00 p.m.

Recessed and Reconvened 10/26/2017 at 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: Brenda Moore, Sam Janson, John Snider, Kim Arter and Darrell VanFossan

Not Present: None

Also: Consultant from RLS Mike Solomon, BLLB Attorney Ron Bultje, Recording Secretary Veronica West and between 55 and 60 area residents.

MINUTES: Darrell VanFossan moved to accept the minutes of The Hearing of Practicability on September 7, 2017 with the addition of the date in the header and noting that Mr. Snider was excused w/notice. Brenda Moore supported the motion. The motion carried by voice vote. The minutes will be placed on file.

OLD BUSINESS:

- **ITEM 2017-03: ATTORNEY LETTER FOLLOW UP:** Mr. Bultje was present and explained he hourly rate will stay as is through the end of the year and he does not charge mileage. Darrell VanFossan commented that he thought he remembered reading somewhere that the rate agreed upon for Mr. Bultje's services would be in effect from August to August. Mr. Bultje stated he has never changed firms before and would honor the contract as originally agreed upon.

OPEN PUBLIC HEARING:

Chair Kim Arter noted that this public hearing is being held in accordance with Public Act 451 of 1994 Part 309 and also in accordance with Public Act 162 of 1962 – meaning that property owners were notified by mail and publication was made twice in the Muskegon Chronicle as required; Affidavits of publication were presented and will be placed on file. The purpose of this hearing is to hear public comment and consider any objections to the proposed special assessment district as proposed by this Board for the Bear Lake Restoration Project. It was also noted that the proposed assessment district map, list of property owners and proposed special assessment amount per parcel has been available for public viewing at Laketon Township Hall, The City of North Muskegon and online at the Bear Lake Lake Board (BLLB) page of the Laketon Township website. She also informed the public present of the procedure to come forward and make comments by stating their full name and address for the record as well as noting once the public comment portion of the meeting is closed, there will be not further public comment taken and the board will deliberate and make a determination. The public was informed that the entire meeting will remain open for the public to stay and hear the entire deliberation and determination.

OPEN FLOOR FOR PUBLIC COMMENTS:

John Snider moved to open the floor for public comments. Darrell VanFossan supported the motion. The motion carried by voice vote and the public comment portion opened at 6:08 pm.

Kim Arter noted there were several letters from property owners received in advance of the meeting and they will be placed on file, but not read aloud at this hearing.

- Roy Portenga of 711 Center St – Mr. Portenga objected to being included in this special assessment district, he stated he overlooks the ponds, not the lake and looks at a wall of cattails not lakefront. He also stated the legal description on his deed says he has Bear Creek frontage, not Bear Lake frontage. He went on to say he does not derive any benefits from the lake and his property should not be

included nor should the properties located on Cedar St as they have the same cattail/Bear Creek frontage he does. He also said he feels this assessment would de-value his property and expressed his opinion that the one parcel one share is not an equitable way to spread the assessment over the district.

- Harold Cloz of 1824 Cedar St – Mr. Cloz noted he has turned in a written objection to this assessment. He expressed his agreement with Mr. Portenga, adding that he has no lake frontage, but 600' of cattails and it does not make any sense to include the properties like his or the others on Cedar St. He went on to read a portion of the statute Section 324.30912 relating to how the assessment should be spread and he feels the one parcel one share method does not comply with the statute.
- Debra Johnson owner of 1828 and 1832 Cedar St – Ms. Johnson stated her legal description reads “to Bear Creek” not to Bear Lake and she wants to have her properties removed from this special assessment district. She added that she would be willing to donate, but that this assessment devalues her property as she would have to disclose the assessment should she wish to sell either of her properties.
- Dennis Kirksey of 1856 Cedar St – Mr. Kirksey read his written letter aloud, and added that he wants his property removed from the district as he has no navigable water access or water frontage. He also commented he wants to see something done; couldn't the entire watershed be assessed?
- Deb Shields of 154 N Bear Lake Rd – Ms. Shields noted she previously lived on Cedar St and agrees with the property owners on Cedar St being removed from the district. She added that this lake is a benefit to both Laketon Township and The City of North Muskegon communities and all should pay for this project, not just lakefront property owners. She added she feels if each property owner in both communities contributed \$10 or \$20 there would be enough to pay for the project and stated she feels this district is incorrectly designed.
- Justin Cutler of 590 Glenwood (also owns an adjacent lot on Glenwood) – Mr. Cutler stated he feels there are other ways fund this project and with the heavy use of the local parks with public access that everyone that uses the lake should contribute to the fund, not just lakefront property owners. He suggested boat launch fees and pavilion rental fees as possible funding sources.
- Larry Dykstra of 800 Glenwood – Mr. Dykstra commented he lives at the end of Fenner's Ditch close to the dam and each year it is degrading and smelling like septic. He commented on the heavy use of fertilizers from upstream, the oil seep in Fenner's Ditch causing turtles and his boat to be covered with sludge. He added he already pays higher taxes due to waterfront property with no improvements realized and is not happy to be asked to pay even more.
- Darlene Ralls of 1433 Glenwood – Mrs. Ralls commented on the lake not being private, lakefront property owners not owning the lake itself. She added that lakefront property owners already clean up all the debris that floats up on their banks and are already paying more than non-lakefront property owners. She added she respects the effort to restore the lake, but wants those that polluted it to be held responsible. She also added this assessment feels like discrimination against owners as they are not the only users of the lake and feels that everyone should share in the cost.
- Rex Kuhn of 630 Massachusetts – Mr. Kuhn asked if we spend this money on this project, what is the guarantee that it will work. If it doesn't work, will there be a refund.
- Linda Cihak of 711 W Fennwood – Ms. Cihak stated she doesn't mind paying something, but wants to see a benefit – so far nothing has helped the ditch.
- Charlie Cihak of 711 W Fennwood – Mr. Cihak stated he isn't adverse to the money if there is a benefit to Fenner's Ditch.
- David Schulz of 701 W Fennwood – Mr. Schulz commented this is a public lake, not private and can't understand why only the lakefront property owners have to be the only ones to pay.
- Lynn Dudek of 430 S Bear Lake Rd – Ms. Dudek noted her agreement with most others, commenting it isn't fair to property owners on the lake. She added she only has twenty (20) or so feet on the water on a little channel off the Bear Lake Channel to Muskegon Lake, she can't actually see the lake itself from her yard.
- Rachel Leos of 922 Oakmere – Ms. Leos noted she just moved here about a year ago and pays high taxes to live here. She commented on it being a community lake and it is unfair to assess only lakefront properties. She commented about living on two other lake properties in other areas that were private lakes so the owners bore the costs that were much less expensive than what is proposed here. She added she is concerned about this assessment affecting any future sale of her property.

- John Loeffler of 1467 Glenwood – Mr. Loeffler expressed agreement with previous citizen comments added that the cost of this project should be spread over the entire community, not just lakefront properties.
- Jeff Gates of 2923 Memorial Dr – Mr. Gates noted he does not live on or own property on Bear Lake, but on Muskegon Lake. He stated he has read the documents and the minutes from this Board and does not feel the feasibility study has been properly vetted by local experts. He added a high percentage of the costs are not for actual treatment of the lake issues and he has spoken with local experts that do not think the aeration will work. He also added he doesn't feel the lakefront property owners should be paying the full cost as the entire watershed contributes to the issues with storm water runoff, septic systems and fertilizers. He recommended pursuing State and Federal grant funding and updating the feasibility study as a very long term plan is needed beyond 5 years. He finished with saying all property owners in the township and city should pay.
- Daniel Stoerman of 340 Waterview Lane – Mr. Stoerman added his agreement with previous citizens – this is not a private lake and all should pay not just lake property owners. He stated he feels the boat washing station is a waste of money as most boats come in from Muskegon Lake and he spoke with area experts that feel the aeration will not work. He expressed frustration that the letter/notice mailed regarding this meeting did not include any information about cost. He also stated he doesn't see the need for much of this project and this board should reconsider what it is doing.
- Julie Hansen of 674 Massachusetts – Ms. Hansen stated she has been involved in other lake meetings and other projects are being done by federal grants and she encouraged this board to look for and pursue grant funding.
- Clyde Rinsema of 1653 Mulder Dr – Mr. Rinsema stated he is new to the lake and feels property owners are caretakers of the lake, appreciates the Board's work on this complex issue. He added things need to move forward and find a way to fund this project as all public should participate.
- Mike Richardson (potential buyer of property on Wedgewood) – Mr. Richardson asked what the property tax dollars, that are already high, go for – there is no sewer or water on Wedgewood and the road is full of potholes. He suggested pursuing grants and added he would like to see the ditch around the oil seep dredged.
- Charlie Chapple of 570 Bear Lake Rd – Mr. Chapple stated he has lived here 40 years. He commented on Bear Creek and Ott Chemical was cleaned up by the superfund and asked why this superfund couldn't be utilized.
- Jim Panici of 1505 Glenwood – Mr. Panici expressed his agreement with other citizens. He commented he fails to understand how a 60 foot wide lot can be assessed the same as a 600 foot wide lot as small lot owners do not have as much benefit as large lot owners.
- Ken Kosheba of 440 S Bear Lake Rd – Mr. Kosheba stated he does not live directly on the lake, but on the channel. He also stated he isn't hearing people opposed to fixing the lake but in how it's being charged. He suggested the Board should go back to the drawing board and coming up with a better plan.

There were no further citizen comments.

BOARD DELIBERATION/DETERMINATION:

Chairperson Kim Arter asked the Board if they would like to hear anything from Mike Solomon of Restorative Lake Sciences with regard to the citizen comments heard. The Board did – and asked Mr. Solomon to address concerns expressed by citizens.

Mr. Solomon summarized the impairments RLS found in the lake – reduced water clarity, excessive blue-green algae, lack of biodiversity, 77% of lake having no aquatic vegetation, high number of invasive species, elevated nutrients. Low dissolved oxygen, low macro invertebrates and zooplankton which severely impairs the food chain and oil in Fenner's Ditch and possibly other locations. He commented that to restore/treat severely impaired waters it is not cheap, RLS is currently using laminar flow aeration on a dozen or so lakes under their management with good results. He added that RLS is managing over 70 Michigan lakes and the public always wants grant funding to help pay and there is already lots of grant funding already in use. He commented on the current political structure and noted that historically republicans are not known as heavy funders of the EPA. He added that other funding sources that some communities use: local governments can pay provided the community can afford it; local governments assessing the entire community; and in the

City of Cadillac they got a millage approved by voters. He did also comment on the larger than usual consulting costs, which include heavy lab fees in this project due to the first 2 years of testing for oil in the lake sediment. He addressed the question of the overall expense noting that for many years it has been relatively inexpensive herbicides have been used for weed treatment but that did not address the underlying/fundamental problems in the lake. He also addressed the question of guarantees by stating there are no guarantees, but RLS has extensive experience in lake management and has more experience than anyone in the state with aeration systems and this is a good approach to address this lake's issues. He also noted that if the system doesn't work the Vendor will take it out after 3 years.

Darrell VanFossan asked Mr. Solomon to describe the different assessment structures he's seen on other lakes. Mr. Solomon stated the majority assess riparian (lakefront) property owners and they have never seen a successful appeal to the tax tribunal on a riparian owner. He stated that on about 80% of lakes he has seen back lot owners assessed so long as they have deeded lake access. He also added that some lakes have looked at boat launch fees but it is not usually a cost effective funding source.

Attorney Ron Bultje noted this is not a blame assessment, but the lake owners can be assessed for the increased value they will see when the lake is repaired – values go up for a lake that is healthy but go down for a lake in peril. He replied to the citizen comments regarding the public uses the lake by noting that not all in the township or city use the lake and that all users of the lake live in the township or city. He further noted that the board is limited in its ability to assess based on the value of the property increasing and he noted the Michigan Tax Tribunal has found that value increases with a healthy lake.

Topics discussed:

- Answering the public question of the boat wash station by noting it was removed from the plan at the Hearing of Practicability and also noting the buffers/filters were removed from the plan to allow time for the restored wetlands at the end of the lake to start doing their natural job of filtering out sediment and excess nutrients from upstream.
- Discussed the Ribe Drain upstream with County Drain Commissioner Brenda Moore noting it is in the headwaters of Bear Lake and work is currently in progress with regard to this drain.
- Discussed the use of many other studies provided to Dr. Jennifer Jermalowicz-Jones of RLS in addition to their own sampling and scanning results in her creation of the Bear Lake Feasibility Study. Mr. Solomon noted that this is the most intense and extensive feasibility study as most are about 50 pages and this is nearly double that.
- Discussed Bear Lake Homeowners Association donation of \$2500 and promise of another \$2500. Laketon Township voluntarily contributing \$500 per year for the park property and The City of North Muskegon voluntarily contributing \$500 per year for each of the 3 municipal parcels in their jurisdiction. Brenda Moore commented the only guarantee is that if nothing is done there will be no improvement and it may even get worse. She also noted this Board was formed as the donation system with the homeowners association was not reliable enough.
- Discussed millions of tax dollars spent on the rehabilitation of the old celery flats area in the last couple of years as well as the millions that will soon be spent by the EPA to address the oil seep in Fenner's Ditch. It was also commented by Brenda Moore that there are many, many lakes around the state competing for limited grant funding and dealing with the same questions and frustrations.
- Discussed assessing based on linear feet versus per parcel. Darrell VanFossan commented on finding what is fair and sensible with regard to assessments and property value. Mr. Solomon noted the prevailing concept is that if you have frontage you have access and he doesn't know of any lakes that use linear front footage to determine assessments. Also discussed commercial versus residential properties and how condo associations are figured. Mr. Solomon noted that he has typically seen commercial properties assessed at twice the rate of a residential property and that in a condo each condo unit is assessed; for example if there are 30 units on the parcel, each unit is assessed as an individual parcel. Mr. Bultje noted that figuring by frontage is much more cumbersome and complicated and the value is in the access regardless of the amount of frontage and uniform assessment is the norm. John Snider commented that he lived on Bear Lake for 45 years and he sees the lake as an asset, assets require maintenance so they do not become liabilities. He suggested that this project is a worthwhile investment to restore the lake for owners to enjoy the lake while they live there and even more when they sell for added value.

Chairperson Kim Arter noted she has all the written objection letters and they will be kept on file. She added she is not comfortable making a decision tonight based on the information gathered from the citizens that spoke and wrote letters. She also added that she thinks there is review and revision to be

done to the proposed district map and assessment roll also based on the comments heard this evening. Brenda Moore commented what she felt she heard from residents is not an issue with the scope or the budget, but with what properties are or are not included and how the assessments are figured and she agreed additional work is needed on the roll. It was also noted that there were 4 parcels in the City of North Muskegon erroneously not included in the proposed district map that need to be properly notified before potentially proceeding. Mr. Bultje noted those that were missed need to have the same 10 days notice as everyone else but any properties that may end up being removed are no issue. A calendar was reviewed and it was determined if the meeting recesses this evening a good date to reconvene would be Thursday October 26, 2017.

Brenda Moore moved to recess this public hearing until Thursday October 26, 2017 6:00 pm at Laketon Township for the purpose of reviewing the proposed special assessment district and roll and making any necessary modifications to said proposed assessment district and roll, to consider removing certain parcels and to allow time to mail the legally required notice to the four (4) missed parcels located in the City of North Muskegon. John Snider supported the motion.

Roll Call Vote:

Sam Janson – Yes

Darrell VanFossan – Yes

Brenda Moore – Yes

John Snider – Yes

Kim Arter – Yes

Motion Carried. Public Hearing was recessed.

Chairperson Kim Arter allowed additional public comment.

- Julie Hansen of 674 Massachusetts – Ms. Hansen stated she feels a 200' wide parcel on the lake has more to gain in terms of value than her 60' wide parcel.
- David Schulz of 701 W Fennwood - Mr. Schulz agreed with Ms. Hansen and suggested a tier system be used to charge and the ditch properties should not be charged as much as those on the actual lake.
- Roy Portenga of 711 Center St - encouraged the Board to use the aerial maps included in the study in determining what parcels are included in the district. He also added those on Bear Creek and the condos on the pond have access to Bear Lake they should be included as well – be consistent.
- Christina Martin of 426 Ruddiman – Ms. Martin commented she's been told her property is not as valuable as it isn't on the lake, but the channel.
- Charlie Chapple of 570 Bear Lake Rd – Mr. Chapple agreed with other citizens noting he feels it isn't right to charge by the parcel, but by the linear footage.
- Ross Aiden of 700 Glenwood – Mr. Aiden stated he is on Fenner's Ditch, he does not have a beach or lake views, has very small frontage and feels it is unfair to charge him the same as those on the open lake. He added it makes no sense to him to say he has value in his access when there is public access to the lake as well.
- Daniel Stoerman of 340 Waterview Lane – Mr. Stoerman commented he feels a millage may be a better idea and it is a value based approach.
- Lynn Dudek of 430 Bear Lake Rd – Ms. Dudek commented she does not have a lake view and has very small water frontage – asked the board to take a serious look at a tier system or a linear foot method to be more fair and equitable.
- Randy Kenney of 735 W Wedgewood – Mr. Kenney commented on already paying more being waterfront properties and asked what happened if they start testing and find more oil? Brenda Moore interjected that Dr. Jennifer Jermalowicz-Jones has said if oil is found it will be a "game changer" and then the State and Federal government agencies will need to be brought in as that would be too much to expect the local residents to be able to pay for on their own.
- Larry Dykstra of 800 Glenwood – Mr. Dykstra commented on commercial lawn care companies, what they use upstream that washes down into the lake – he expressed concern as he sees signs that say not to walk on the lawns in bare feet or allow pets on it after lawn treatment – what is in that treatment that is getting into the lake? Any why should the lakefront property owners keep paying just to have those upstream keep using it and getting it washed down into the lake.

- Rachel Leos of 922 Oakmere – Ms. Leos stated she believes in improving the lake but wants to see a millage considered as this entire community is a lake community – not just the lakefront properties.
 - Sam Janson asked Attorney Ron Bultje what a millage scenario might look like with both communities involved. Mr. Bultje stated each municipality would have to have a vote and it could pass in one or the other, in both or not at all in either municipality.
- Dennis Kirksey of 1856 Cedar St – Mr. Kirksey, being involved in the Muskegon Watershed Partnership and with West Michigan Regional Shoreline Development Commission noted he has read the feasibility study and has questions and concerns regarding the findings as all the study was done pre-restoration of the wetlands in the old celery flats – need post restoration sampling and results as there will be improvement, encouraged the seeking of grant funding. Discussed the oil seep in Fenner’s Ditch and noted there is no casing for the oil well so it can’t be plugged but the EPA is working on a cap and treat system but there won’t be any dredging involved with that clean up. He also mentioned there being thousands of old oil wells in the area and there are no longer any companies around to hold responsible. Kim Arter interjected that the Bear Lake Homeowners Association could not apply for grants, but that the Bear Lake – Lake Board can.
 - Kim Arter, Chairperson and property owner at 170 S Bear Lake Rd – commented on a recent 2 year grant project that offered to homeowners, free of charge phragmites removal and education and noted that there were properties that did not participate. Brenda Moore added that a 2 year grant program is great, but after that it is back to the owners to keep up, which is why a long term solution is needed.
 - Darrell VanFossan asked Mr. Kirksey about the blue – green algae as he has heard many rumors that the work on the celery flats/wetlands caused it. Mr. Kirksey said he feels the excessive heat and existing nutrients caused the increased algal blooms.

RECESS:

John Snider moved to recess this meeting until the previously determined date of Thursday October 26, 2017 at 6:00 pm when they will reconvene the public hearing. Darrell VanFossan supported the motion. The motion carried by voice vote and the meeting broke for recess at 8:01 pm.

Respectfully Submitted:
 Veronica West
 Recording Secretary

PUBLIC HEARING - RECONVENE: 10/26/2017 at 6:00 p.m.

CALL TO ORDER: The meeting was called to order by Kim Arter at 6:02 pm.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Present: Sam Janson, Darrell VanFossan, Kim Arter, Brenda Moore and John Snider

Not Present: None

Also: Consultant from RLS Mike Solomon, BLLB Attorney Ron Bultje, Recording Secretary Veronica West and between 25 and 30 area residents.

PUBLIC HEARING CONTINUATION:

Chair Kim Arter noted that this public hearing is being held in accordance with Public Act 451 of 1994 Part 309 and also in accordance with Public Act 162 of 1962 – meaning that property owners were notified by mail and publication was made twice in the Muskegon Chronicle as required; Affidavits of publication referenced as having placed on file. The purpose this evening is to continue to hear public comment and consider any objections to the proposed special assessment district as proposed by this Board for the Bear Lake Restoration Project. It was also noted that the amended/revised proposed assessment district map, list of property owners and proposed special assessment amount per parcel has been available for public viewing at Laketon Township Hall, The City of North Muskegon and online at the Bear Lake Lake Board (BLLB) page of the Laketon Township website. She also reminded the public present of the procedure to come forward and make comments by stating their full name and address for the record as well as noting once the public comment portion of the meeting is closed, there will be no further public comment taken and the board will deliberate and make a determination. The public was informed that the entire meeting will remain open for the public to stay and hear the entire deliberation and determination.

- Charlie Chapple of 570 Bear Lake Rd – Mr. Chapple commented on the years of weed spraying. Added he feels the assessment should be charged by the foot, not by the parcel.
- Darlene Ralls of 1433 Glenwood – Ms. Ralls commented she doesn't feel this has been looked at closely enough; it's not palatable to lake front property owners to pay \$500 per year. It should be spread across the entire county and everyone that uses it. She asked how many lakes in the state have been cleaned up & paid for by homeowners. She also asked if this is the most polluted lake, why the state can't pay for it. Ms. Ralls also asked how much debt has been incurred and how much has been spent to date. She asked to see this information in the next minutes.
- Steven Johnson of 609 Second St – Mr. Johnson commented on the benefits over the years of spraying and wants to see a continuation, but added that he now has zebra mussels and wanted to know if this new treatment plan would take care of the zebra mussels. He also commented property owners should be responsible for taking care of the lake.
- Larry Dykstra of 800 Glenwood – Mr. Dykstra commented he lives at the end of Fenner's Ditch and has to clean out the weeds, zebra mussels and oil as everything collects at the end. He asked if he is going to get cleaner water in the ditch; if he were to be guaranteed cleaner water, no weeds & no pollution he wouldn't mind paying. He asked if he would get his money back if no results. He added the assessment should be fair – more public uses the lake than property owners.
- Pat Shafer of 394 Ruddiman in Channel Pointe Condos – Ms. Shafer noted the condo association is not opposed to the project or special assessment, but does not feel they should be charged as individual residences but since there are 2 condo buildings (with 6 units each) they should be charged as 2 homes not 12 homes.
- Joann Federighe of 1801 Fenner Rd – Mrs. Federighe stated she doesn't mind paying something, but stated grants should be sought to help everyone out as it is a public lake.
- Paul Prentice of 1621 Mulder Dr – Mr. Prentice commented that this process should move forward as the alternative is not good. He also added that it isn't possible to get everyone to agree.
- Julie Hansen of 674 Massachusetts – Ms. Hansen commented she read the minutes of the BLLB and found it disappointing that no federal funds have been sought by this group even though residents asked for them to do so. She added she would like to see the "brakes put on this project" and the group to search out grants.

- Bernie Berntson of 12 S Bear Lake Rd – Mr. Berntson commented on his property having been in his wife’s family since 1912 and it is very dear to them. He also complimented the Board on their work to preserve Bear Lake. He added that he has looked at the prices of homes selling on Bear Lake and found prices approaching \$500,000 and this assessment is a small investment to ask to preserve those values. He also said that while there are no guarantees, “we must try”. He encouraged the board to move forward to make the lake better.
- Kathy Evans of 1899 Barnes Rd and West Michigan Shoreline Regional Development Commission – Ms. Evans commented on having worked with many organizations on many local grant projects. She talked about the nutrient levels in Bear Lake, how most is coming from outside the lake, the internal loads are less than they thought and they are still waiting on new information on the loads from property owners, but it can be estimated based on information from the known outside sources loads. She also noted she feels the efforts should be focused on reducing incoming nutrient loads from surrounding properties as groups are already working on reducing the loads from outside sources – particularly noting the wetland restoration of the old celery flats that has been recently completed. She also talked about how they’ve found that Lake Michigan can surge and push nutrients back upstream through Muskegon Lake and into Bear Lake to be absorbed by the wetlands.

There were no further public comments. Chairperson Kim Arter asked if there were any further written objection letters to be turned in. One letter was brought forward. Kim Arter asked the Board Secretary Brenda Moore for a report on the written objection letters received. Brenda Moore noted that 21 objection letters had been previously received with one being turned in tonight, the total is 22 written objection letters received.

Sam Janson moved to close the public comment portion of the public hearing. John Snider supported the motion. The motion carried by voice vote and public comment closed at 6:26 pm.

BOARD DELIBERATION/DETERMINATION:

Chairperson Kim Arter began by noting the proposed map was reviewed and she and Sam Janson went out and visited some of the properties.

- With regard to the properties on Cedar St. They found they do not have Bear Lake frontage and would realize no benefit from this project and they have been removed from the proposed district. Sam Janson added that the map is a parcel map, not an aerial photo and the depiction is erroneous – the parcels on Cedar St do not have Bear Lake frontage. He added that perhaps at one time they did, but now they do not. The bottom of the hill atop which these homes are located is now land filled with plants and cattails. There was additional discussion on these properties and the attorney was asked to weigh in. Mr. Bultje stated if there is no view and no access, there is no additional value. It was noted that at the end of this 5 year project and things change the district could also be changed as needed.
- With regard to properties on the south side of the Ruddiman Dr bridge over the Bear Lake Channel. This area was reviewed and removed from this proposed district. Sam Janson stated the City Assessor has them charged for Muskegon Lake frontage, not Bear Lake frontage and the bridge is considered the dividing line between the lakes. Brenda Moore commented the channel is used to bring invasive species into the lake, and the marina is intensive use. Darrell VanFossan noted that several of these marina parcels have paid for the weed treatment the Bear Lake Association has been conducting over the years. Sam Janson asked the attorney his opinion on an assessment of these parcels. Mr. Bultje’s opinion was that if the assessor considers it to be Muskegon Lake it could be a good point to argue at a tribunal hearing.
- With regard to 4 additional properties. Kim Arter pointed out that there were 4 properties behind the Bear Lake Tavern property on a small inlet that were erroneously missed by the County GIS department that created the proposed district map. This has been corrected and they have been added to the revised proposed map and were also sent the proper mailings for this hearing.
- Discussion of channel properties: Darrell VanFossan expressed concern over treating channel properties, differently i.e.: the condos getting ½ share assessment, the marina taken out altogether and the Bear Lake Tavern, a commercial property paying the same as a residential

property. Brenda Moore asked about the rationale behind charging the condos only a ½ share if lake access is the value, each condo has access and is a higher density use than a single family residence. She added she feels if they have access they should each pay a full share. John Snider agreed that the condos should all pay a full share as they all have view and access, which are the same attributes that exist on single family properties and they should be treated equally with every residential lot getting the same assessment. Darrell VanFossan asked about the charge for a commercial property located at 360 Ruddiman Dr, home to the Bear Lake Tavern (BLT) restaurant, asking if there is justification to charge them differently as they are bringing in more boat traffic. Mr. Bultje commented it is not unusual to charge commercial properties more. Brenda Moore added she feels that they should be charged based on the number of docks as that is the access, if BLT has three (3) docks she would advocate for 3 shares on the assessment. John Snider agreed that there is justification for more than one share assessment on the BLT.

- Discussion of potential key-holing in Laketon Township – Darrell VanFossan brought up hearing “rumors” of key-holing off Whispering Oak Dr, where back lots without lake frontage having lake access – if value is in the access, can these properties be included? He added he is also hearing rumors of lake property owners renting dock space to non-lake property owners. Kim Arter addressed the Whispering Oak situation noting no easement was found to that regard, but there is a private road to that neighborhood. Brenda Moore noted if these situations exist, they are potential zoning ordinance violation issues and should be treated as such. Darrell VanFossan also asked about a parcel owned by an association in the City of North Muskegon. Sam Janson noted the parcel is owned by an entire neighborhood and it is proposed to be charged one share as are all other residential parcels. He explained it is similar to the condos being charged one share – one parcel number, one share – it’s just that this parcel is in common ownership of many people.
- Discussion of public lake comments – Darrell VanFossan stated that many of the residents pointed to this being a public lake, there are municipally owned parcels on the lake that cannot be legally assessed. Kim Arter and Sam Janson both noted their respective municipal boards have voluntarily come forward to contribute \$500 per parcel. Brenda Moore asked if that figure was in total or per year. Sam Janson stated it was per year. Kim Arter noted the same, adding that future Boards could change that figure. Darrell VanFossan encouraged the municipalities to contribute more than one share given the access these parcels give to the public at large.

John Snider moved to approve the proposed special assessment district and assessment with the following amendments:

1. Assess the Channel Pointe Condominiums the same as all residential parcels; each residential parcel number in the special assessment district pays one full share of the total project cost.
2. Assess the Bear Lake Tavern, a commercial parcel, is to be assessed an amount double that of a residential parcel.

Brenda Moore supported the motion.

Kim Arter noted that this Board is also required by the statute (Act 451 of 1994, as amended, Part 309) to set an interest rate for those that opt to pay the special assessment in yearly payments. She explained that there is no intention of borrowing money for this project and suggest the interest be set very low, and suggested ½ of one percent (0.5%).

John Snider moved to amend his motion to include setting the interest rate at ½ of 1% (0.5%).

Brenda Moore supported the amended motion.

Roll Call Vote:

Voting in favor of the motion:

Sam Janson

Darrell VanFossan

Kim Arter

Brenda Moore

John Snider

Motion Carried.

NEW BUSINESS:

- November meeting date. It was noted the current date of the 4th Thursday of the month is 11/23/2017 which is the Thanksgiving holiday. The Board asked consultant Mike Solomon of RLS what the next step would be that needs to get done now that the district/assessment has been confirmed. Mr. Solomon noted that getting out bids for any spring work would be the next step as applying for DEQ permits should be done in December 2017 for 2018 work. After discussion, it was determined that the first Thursday in December would be a good date – 12/7/2017 at 6:00 pm. Mr. Solomon stated that RLS will get the bid documents ready to present to the Board at that meeting. John Snider asked Mr. Solomon about sampling. Mr. Solomon talked about the initial samples taken for the feasibility study and noted the first 2 years of the 5 year plan is focused on sampling for the oil – findings will determine how things proceed. Darrell VanFossan and Mr. Solomon talked about copper sulfate treatments, which are MDEQ approved, but also could potentially lead to accumulations of the heavy metal (copper), although it was noted where it most often becomes a problem is where it is used in heavier concentrations for things like swimmers itch.
- Responses to questions:
 - Kim Arter announced to those present that this board can apply for grants, where the Bear Lake (homeowners) Association could not and will be watching for any grant opportunities and will apply for any they may qualify for.
 - Brenda Moore noted the law limits the Board’s ability to assess outside of lakefront owners. She pointed out the millions already spent on Bear Lake with the old celery flat/wetland area rehabilitation and the millions yet to be spent on containing the seeping oil in Fenner’s Ditch. She added that as the Muskegon County Drain Commissioner she is working on projects in the Bear Lake Watershed, so things are being worked on upstream as well. She also pointed out her projects are based on assessments as well but her office does look for and seeks grants whenever possible.
 - Mike Solomon noted that there are only experimental treatments existing at this time with regard to the zebra mussels one resident asked about, therefore there is really no practical treatment for zebra mussels. He added they typically reach a balance and its unknown why the resident has reportedly seen an abundance of them recently.

ADJOURN:

Brenda Moore moved to adjourn the meeting. John Snider supported the motion. The motion carried by voice vote and the meeting adjourned at 7:18 pm.

Respectfully Submitted:
Veronica West
Recording Secretary

Approved by the Bear Lake Lake Board on _____.

Signed: _____.