

# BEAR LAKE LAKE BOARD

REGULAR MEETING

Thursday 01/11/2018

6:00 p.m.

## MINUTES

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**CALL TO ORDER:** The meeting was called to order by Kim Arter at 6:05 pm.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

**Present:** Kim Arter, John Snider, Darrell VanFossan, Brenda Moore

**Absent:** Sam Janson with notice/excused

**Also:** Consultant from RLS Mike Solomon, Recording Secretary Veronica West, Luke Britton from Clark Aquatic and approximately 12 area citizens

**MINUTES:** Kim Arter noted there was a clarification needed on the minutes and yielded the floor to consultant Mike Solomon to explain. Mike Solomon explained the clarification regarding how the DEQ permit is not included in the applicators bid as the minutes reflect, but is paid by them and is reimbursed by the Lake Board. John Snider moved to accept the minutes of the December 20, 2017 meeting with the clarification change as discussed. Darrell VanFossan supported the motion. The motion carried by voice vote. The minutes will be placed on file.

**REPORTS: NONE**

**COMMUNICATION: NONE**

**PUBLIC COMMENT (On Agenda Item): NONE**

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

- **Bid Documents** – Comments began with Brenda Moore noting appreciation for the summary from RLS, and questioned that while one bidder, PLM was the lowest on most items, it was not lowest on all – could there be a negotiation on some items. Mike Solomon replied it is inappropriate to negotiate after a bid is submitted. Darrell VanFossan commented that PLM quotes appear to be equal to or less than prior years when they have treated Bear Lake under the Bear Lake Association program. He questioned herbicide treatment can stay within the budgeted amount of \$20,000 without a bid “per linear foot” or “total cost format”. Mike Solomon responded by explaining the amount of treatment needed is unknown until the spring survey is done and emphasized that RLS will keep the treatment within budget by prioritizing treatment areas; unless the board approves otherwise. Also discussed lump sum or “total cost” type bids; Mike Solomon explained that this type of bidding isn’t used much anymore due to not knowing how much treatment is needed until the survey is done and it usually comes out cheaper on a per acre bid. Darrell VanFossan also asked if they could estimate based on prior year surveys, which Mike Solomon called “dangerous” as every year things change, it’s more of an “educated guess” based on previous data. Darrell VanFossan also questioned how the \$20,000 budget number was arrived at. Mike Solomon reiterated it is an educated estimate, based on prior data and treatment, but every year is different and the amounts should go down as the treatment progresses over time. Mike Solomon emphasized that RLS always lives within it’s budget. Also discussed mailings and postings relating to treatment dates/times. Mike Solomon explained the DEQ has mailing

requirements that all applicators must adhere to. Brenda Moore asked about muck accumulations and enzyme applications. Mike Solomon explained that enzyme application is common before an aeration system is put in place. Darrell VanFossan asked about bidding company locations and which company RLS would recommend for Bear Lake. Mike Solomon noted that most lake boards they've worked with have preferred to work with a local treatment company as that typically keeps prices down. He went on to say that he and Dr. Jermalowicz-Jones have discussed it and would recommend PLM for Bear Lake as they already have knowledge of this lake as they have been treating it for several years through the Bear Lake Association and because they have the lowest bid price on most products. John Snider moved to award the contract for herbicide treatment to PLM. Brenda Moore supported the motion.

Roll Call Vote:

Yes: John Snider, Brenda Moore, Darrell VanFossan and Kim Arter

No: None

Motion carried.

Mike Solomon noted a letter of authorization will start the process.

- **2018 RLS Operating Agreement Contract:** Kim Arter began the discussion noting that the original agreement documents were sent on to the attorney, Ron Bultje, who had some concerns/changes on some of the non-science related parts of the contract. He made revisions to the parts he had concerns on and it was sent to RLS. Mike Solomon added that he and Dr. Jermalowicz-Jones has discussed the changes and have no issues with the changes. Brenda Moore pointed out that the benthic community is not specifically listed and would like to see that data. Mike Solomon stated it is a newer study and is most likely on her list of things to include. Brenda Moore also commented that the Bear Lake Lake Board will "own the work" and Mike Solomon indicated RLS is ok with that as well.

Brenda Moore moved to approve the revised contract with the changes made by Mr. Bultje as well as clarification that benthos community testing be included. John Snider supported the motion.

Darrell VanFossan stated he was not in agreement, he noted that he feels the \$50,000 for 2018 is much more than he expected to pay – he feels it is high, as is the \$85.00 per hour for additional services, asked what they are doing in 2018 that they didn't do in the 2017 feasibility study. He also asked what historical data has been used and can continue to be used and noted that residents have been asking for local area experts to be consulted. He added that he has met with Kathy Evans and Al Steinman and after those discussions he feels certain parts of the plan need to be reevaluated as Mr. Steinman told him he has never seen the plan and he would like to have written feedback from these local experts. Mike Solomon responded that Dr. Jermalowicz-Jones has presented the feasibility study several times to this board and is not opposed to input through the board from the scientific community. He went on to note that he was personally surprised the numbers weren't higher and noted that Dr. Jermalowicz-Jones always stays within budget and he has rarely seen her charge the hourly rate for any additional services. Brenda Moore interjected that she personally sent the plan to Mr. Steinman and felt it is "poor form" to question the consultant at this point, the "11<sup>th</sup> hour." She added that the first year was basic water quality and other data gathering and over 2018 & 2019 further testing on the lake to determine the level of petroleum/oil contamination (if any) is necessary. She added that a lot of ground can be lost if all work is put off for an entire year. There was additional discussion on this as Darrell VanFossan stating he sees nothing wrong with questions at this point if new or more information comes to light, he added he has a written document from Mr. Steinman than he needs permission to share. Brenda Moore expressed concern of having approved an herbicide applicator contract but not a contract with the scientific consultant for oversight of the herbicide application. John Snider commented that this process needs to move forward and the contract has been negotiated in good faith and the data gathered in a very professional manner. He added that he's heard citizens and others say they have "reservations" with parts of the plan, but hasn't heard what those specific reservations or issues are, he asked them to come forward with those things so they could be addressed. He also added that this board needs to demonstrate confidence in the scientific consultant they chose – RLS has spent a

lot of time on this project and have an excellent reputation. He added that the historical data was provided and should continue to be reviewed and looked at, but this process should not be put on hold. A roll call vote was taken on the motion:  
Yes: Benda Moore, John Snider and Kim Arter  
No: Darrell VanFossan  
The motion carried.

## **PUBLIC COMMENTS**

Kathy Evans – Muskegon Lake Watershed Partnership: Ms. Evans noted she has been working in the area since 1992 and the Bear Creek Watershed has been a huge focus due to the known nutrient/phosphorus overload. She touched on several projects, including the remediation/restoration of the wetlands in the area known as the celery flats as the east end of Bear Lake, and the phragmites grant project and the Fenner's Ditch oil seep remediation project that the EPA will be working on this summer. She added that Bear Lake may be able to add on to said project due to the AOC and push for additional testing. She also added that septic tanks around the lake could be part of the issue with leaching nutrients into the water body. She talked about looking at the feasibility study and the charcoal filter that the board removed which she agreed with while waiting for the wetlands to become effective and will only become more effective as it grows. She did note she has questions about the laminar flow aeration system and if it could cause more phosphorus to release. She also touched on resident education for sources of issues such as leaching septic systems, vegetative buffers and how people manage & fertilize their yards. Brenda Moore interjected that the lake board is confined to the lake body and it will help to make connections with other watershed issues and expressed confidence that with education strides can be made. John Snider thanked Kathy for the info and added that the Bear Lake Association has moved to become a 501c3 organization called the Bear Lake Preservation Association and education is one of the things they plan to work on. Darrell VanFossan commented that if nutrient/phosphorus loading is the big problem he sees a disproportionate amount of money being spent on other things. Kathy Evans did also touch on the Zephyr Oil Refinery site upstream and the remediation project that is currently in progress.

Bernie Berntson of 12 S. Bear Lake Rd – He commented the lake is a treasure worth protecting and feel the work should keep moving forward as it's been well thought out. He complimented the board on selecting a good company that is an expert in lakes and complimented RLS on doing their homework and the excellent presentations made on the plan by Dr. Jermalowicz-Jones.

Steve Olsen of 820 Oakmere Dr – He stated that Mr. Steinman of the Annis Water Research facility has not officially received the plan to give an official professional opinion on. He asked why there seems to be such a problem with getting another opinion. He added he thought RLS would have wanted Mr. Steinman's professional opinion. He also added that \$2500 is serious money to spend and while he is happy to spend it to see Bear Lake cleaned up he still feels the board made a mistake tonight and should still take a time out to gather other opinions and information. He expressed disappointment in the board's vote and feels that things have gone this long and it is the board's fiduciary responsibility to spend the money properly and the proper thing is to get Mr. Steinman involved.

Kathy Berntson of 12 S. Bear Lake Rd – She expressed mixed feelings and noted that she had mentioned getting Kathy Evans and the Annis Water Institute and other area experts involved months ago. She stated respect for RLS and their outstanding reputation. She added that Kathy Evans pointed out the AOC designation will be ending soon and she hopes to get as much information as possible without repeating work that has already been done. She added she is inclined to take a step back as well in order to gather more information.

Kim Arter – BLLB Chairperson (resident of 170 S Bear Lake Rd) – She noted that part of the special assessment will include workshops for resident education, postcards will be sent out and she hopes everyone will come and participate. She encouraged everyone to get their email to Darrell VanFossan as he sends out email correspondence for the Bear Lake Preservation Association. She also reminded everyone that all the BLLB meeting dates, agendas, minutes and plans are hosted on a page of the Laketon Township website at

[www.laketon.org](http://www.laketon.org). She informed that the BLPA donated a total of \$5,000 to this project and this board will look for and apply for any grants that they may qualify for to offset costs. She also added that as information and data are gathered the project will change as needed and this board will continue to work with other entities.

Brenda Moore – commented that it was necessary to make the decisions made tonight in order to make application to the DEQ for this summer’s treatment to take place.

Darrell VanFossan – commented on the BLPA group, its 501c3 status and it’s goals to educate the public and do fundraising for things that are outside of this lake board to address. He also stated he believes in RLS, has no ill will and believes in healthy discussion.

**ADJOURN:** Brenda Moore moved to adjourn the meeting. Darrell VanFossan supported the motion. The motion carried by voice vote and the meeting adjourned at 7:27 pm

Respectfully Submitted:  
Veronica West  
Recording Secretary

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

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