

COWDEN LAKE

LAKE IMPROVEMENT BOARD

HEARING OF PRACTICABILITY & REVIEW OF APPORTIONMENTS

AUGUST 22, 2009

A special meeting of the Cowden Lake, Lake Improvement Board was held at the Maple Valley Complex, 239 First Street, Trufant, Michigan on the 22nd day of August 2009 at 10:00 a.m.

The hearing was called to order by Chairman Betten.

PRESENT: Roger Betten, Chairman
Maple Valley Township Representative

Donald E. Cooper, Secretary/Treasurer
Montcalm County Drain Commissioner

Carl Paepke, Member
Montcalm County Board of Commissioners

Howard Blazo, Member
Maple Valley Township Representative

Jack Skinner, Member
Abutting Property Owners Representative

ALSO
PRESENT: Tony Groves, Progressive AE
Carrie Wills, Drain Commission
Property Owners attached.

Cooper explained the procedures of the Lake Board Act.

- * Hearing of Practicability
- * Review of Apportionments
- *

Cooper introduced the Lake Board Members, Tony, and Carrie

A motion was made by Carl and seconded by Howard to approve the April 21, 2009 minutes as presented. Motion carried.

PUBLIC HEARING OF PRACTICABILITY

The meeting was turned over to Tony. He reviewed the treatment history for the past four-year program and presented the proposed plan for the next four-year program. Tony

explained that milfoil is being kept under control. They are seeing more spawn beds and noticed that fish were spawning longer this year. He discussed how and why sonar is used and that their goal is a good balance of plant diversity. Tony also explained that the tax roll spread was cut in half for the next 4-year program because there is a surplus of funds available in the lake improvement account.

Chairman Betten opened the hearing up for questions and comments from the public.

Todd McClelland: How does sonar work?

Tony: The herbicide prohibits photosynthesis from occurring so the plant dies off

Maury DeYoung: He has lived on the lake for 30 years. The last 4 years have been the worst for weeds. Some areas where there used to be good fish cover have no weeds this year. Does sonar wipe out weed beds?

Tony: No because it is applied early in the spring when milfoil is the only plant starting to grow. It may slow down the growth of other plants, but we want to keep the weeds that are good fish cover.

Maury: The West end worked well. He showed Tony an area on the map where the weeds are gone and the area is almost bare.

Tony: If milfoil was thick in that area prior to the sonar treatment, it could have been preventing other plant growth. Now that the milfoil is gone it will take a while for the other native plants to return.

Todd: Does it affect the other animal and fish life in the lake, such as crawfish?

Tony: No. The EPA would not allow its use if that was the case. Herbicides don't have any toxicity to fish or other critters.

Todd: He would like to see a vegetation map from the final survey this year. What is the target for harvesting?

Tony: Harvesting is not scheduled for this year. There is no way to be selective when harvesting. It tends to take out all breeds of plant.

There being no further questions or comments from the public, the Hearing of Practicability was closed by motion of Carl and seconded by Jack. Motion carried.

The Resolution to Proceed with Improvements was offered for approval by the Lake Board. (see attachment)

**RESOLUTION TO PROCEED WITH
IMPROVEMENTS TO COWDEN LAKE**

At a special meeting of the Cowden Lake, Lake Improvement Board held in the Maple Valley Complex, 239 First Street, Trufant, Michigan, on the 22nd day of August 2009, at 10:00 a.m.

PRESENT: Skinner, Cooper, Betten, Paepke, Blazo

ABSENT:

The following resolution was offered by member Paepke and seconded by member Skinner.

WHEREAS, a public hearing was held on the improvement program for Cowden Lake;
and

WHEREAS, it is the desire of the Cowden Lake, Lake Improvement Board to proceed with implementation of improvements to the lake as described in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lake Board hereby determines that the proposed improvements are practical, and it confirms its intent to proceed with the improvements.
2. The Lake Board hereby approves the lake improvement plan and the estimate of costs for the improvements as shown on the attached Exhibit A.
3. This resolution shall be published in a newspaper of general circulation in Montcalm County. The petition shall not, thereafter, be subject to attack except in an action brought in a court of competent jurisdiction within 30 days after publication.

ADOPTED: AYES: 5
 NAYS: 0

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN }
 } ss
COUNTY OF MONTCALM }

I, Donald E. Cooper, Secretary/Treasurer of said Cowden Lake, Lake Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the Lake Board at a meeting held on the 22nd day of August 2009. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 22nd day of August 2009.

Donald E. Cooper, Secretary/Treasurer
Cowden Lake, Lake Improvement Board

**EXHIBIT A
COWDEN LAKE IMPROVEMENT PROGRAM
COST BREAKDOWN
2009-2012**

IMPROVEMENT

•	Aquatic Herbicide Treatments (25 acres at \$425 per acre)	\$ 10,625.00
•	Aquatic Plant Harvesting (25 acres at \$275 per acre)	\$ 6,875.00
•	Engineering/Administration and Inspections	\$ 5,500.00
•	Contingency	<u>\$ 3,000.00</u>
	Total Annual Budget	\$ 26,000.00
	Total Four-Year Budget	\$104,000.00
	Less Fund Balance	\$52,000.00
	Annual Assessment Spread	\$13,000.00
	Total Four-Year Assessment	\$52,000.00

It is proposed that the \$13,000.00 annual tax spread for the project be assessed for a 4-year period (2009 to 2012). A breakdown of approximate costs based on this approach is presented below:

COWDEN LAKE MANAGEMENT PLAN COST BREAKDOWN

<u>Parcel Description</u>	<u>Number Assessment Units</u>	<u>Assessment</u>
Lakefront parcels with 300 feet or more frontage	2	\$247.62
Lakefront parcels with less than 300 feet of frontage	1	\$123.81

Contiguous lots in common ownership will be assessed as one parcel provided only one dwelling exists on the parcel.

Note: The scope of herbicide treatments and harvesting in any given year will depend on the type and distribution of aquatic plants and Michigan Department of Environmental Quality permit conditions.

REVIEW OF APPORTIONMENTS

Chairman Betten opened the Hearing for Review of Apportionments

Howard explained why there is a surplus in the budget and why the board decided to cut the spread for this four-year program.

Roger mentioned that the board may need to do repairs on the drain that was constructed a few years ago. The ditch was constructed according to the DEQ's plans which don't seem to be working.

Don told everyone that the funds collected for Cowden Lake improvements are held in an account set up solely for Cowden Lake and funds in the account can only be used for the lake improvements to Cowden Lake.

Chairman Betten opened the hearing up for questions and comments from the public.

Todd: Do you foresee any other projects we may need to take care of that might require using the surplus funds? There are a couple of other drainage problems that he has noticed around the lake.

Roger: The drain problem by Grassley's is a road commission problem. The culvert is plugged and rusting out.

Howard: Other drains are on private properties and should be fixed by property owners. The drain repaired by the board would have worked properly if they had been allowed to construct per Progressive's design. However, the DEQ made them construct the drain per their plans.

Don: Explained that the amount of the tax roll spread could be rolled back but cannot be assessed any higher than what is approved at the public hearing.

Roger: Can the money be used for stocking fish or improving fish habitats?

Tony: Not at this time. It would have to be approved at the public hearing as part of the four-year program.

Don: Another public hearing can be held if the board decides they want to change the program at a later date to include other improvements.

No corrections were made to the Special Assessment Roll:

A motion was made by Don and seconded by Carl to adopt special assessment roll as presented. Motion carried.

The Resolution Confirming Special Assessment Roll was offered for approval by the Lake Board. (see attachment)

There being no further business to come before the Lake Board, a motion was made by Don and seconded by Howard to adjourn the meeting.

Donald E. Cooper, Secretary/Treasurer
Cowden Lake, Lake Improvement Board

Dated: August 22, 2009

State of Michigan }
 } ss.
County of Montcalm }

I hereby certify that the foregoing is a true and complete copy of the minutes of a meeting of the Cowden Lake, Lake Improvement Board, Montcalm County, Michigan held on August 22, 2009, and that said minutes are on file in the office of the Montcalm County Drain Commissioner and are available to the public.

I further certify that notice of the meeting was posted at least 18 hours before the meeting at the office of the Montcalm County Drain Commissioner, which is the principal office of the Cowden Lake, Lake Improvement Board.

Donald E. Cooper
Montcalm County Drain Commissioner

DRAFT

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL
AND DIRECTING THE COLLECTION OF SPECIAL ASSESSMENTS
FOR IMPROVEMENTS TO COWDEN LAKE**

At a special meeting of the Cowden Lake, Lake Improvement Board held in the Maple Valley Complex, 239 First Street, Trufant, Michigan, on the 22nd day of August 2009 at 10:00 a.m.

PRESENT: Skinner, Cooper, Betten, Paepke, Blazo

ABSENT: None

The following resolution was offered by member Cooper and seconded by member Paepke.

WHEREAS, the Lake Board, after due and legal notice, has reviewed the Special Assessment Roll prepared for the purpose of assessing the cost of certain lake improvements to Cowden Lake against benefitting properties; and

WHEREAS, the Lake Board has adopted the benefit factor formula as described in the attached Exhibit A.

WHEREAS, the Lake Board deems said Special Assessment Roll to be fair and equitable;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Special Assessment Roll shall be designated as Cowden Lake Special Assessment Roll. (2009-2012)
2. Said Special Assessment Roll in the amount of \$52,000 is hereby confirmed.
3. The assessments in said Special Assessment Roll shall be payable in 4 annual installments with the first installment of \$13,000.00 to be due on December 1, 2009, and payable without penalty through February 14, 2010. Subsequent installments of \$13,000.00 shall be due on or before the 1st day of the December of each year thereafter and are payable without penalty through the 14th day of the February of each year thereafter.
4. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected, and the Township Clerk of Maple Valley Township shall deliver said Special Assessment Roll to the Township Treasurer, with his/her warrant attached, commanding the treasurer to collect the assessments therein in accordance with the directions of the Lake Board, and the treasurer is directed to collect the amounts assessed as the same become due.

ADOPTED: AYES: Skinner, Cooper, Betten, Paepke, Blazo
NAYS: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN }
 } ss
COUNTY OF MONTCALM }

I, Donald E. Cooper, Secretary/Treasurer of said Cowden Lake, Lake Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the lake board at a meeting held on the 22nd day of August 2009. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 22nd day of August 2009.

Donald E. Cooper, Secretary/Treasurer
Cowden Lake, Lake Improvement Board

Dated: August 22, 2009

DRAFT

EXHIBIT A

COWDEN LAKE

MAPLE VALLEY TOWNSHIP

WEED CONTROL PROGRAM

BENEFIT FACTORS

USE AND SIZE FACTORS

Lakefront parcels with 300 feet or more frontage 2

Lakefront parcels with less than 300 feet of frontage 1

Contiguous lots in common ownership will be assessed as one parcel provided only one dwelling exists on the parcel.

**NOTICE OF CONFIRMATION
OF SPECIAL ASSESSMENT ROLL
FOR IMPROVEMENTS TO COWDEN LAKE**

TAKE NOTICE that the Cowden Lake, Lake Improvement Board has confirmed the Special Assessment Roll for improvements to Cowden Lake. The Special Assessment Roll in the amount of \$52,000.00 has been prepared for the purpose of assessing the cost of aquatic plant control, administration, and contingencies over a 4-year period. Said Special Assessment Roll and all assessments thereon are final and conclusive unless attacked in a court of competent jurisdiction within 30 days of this notice.

Cowden Lake, Lake Improvement Board
Montcalm County, Michigan

COWDEN LAKE

HEARING OF PRACTICABILITY & REVIEW OF APPORTIONMENTS

AUGUST 22, 2009

Maple Valley Complex
239 First Street
Trufant MI 49347

ATTENDANCE RECORD

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CERTIFICATE OF ASSESSING OFFICIAL

The undersigned is the Assessing Official for Maple Valley Township and hereby certifies that the attached Special Assessment Roll for the Cowden Lake Special Assessment District was made pursuant to a resolution of the Cowden Lake Board adopted on Saturday, August 22, 2009, and that in making the Special Assessment Roll, I have, according to my best judgment, conformed in all respects to the directions contained in such resolution and the statutes of the State of Michigan.

TOWNSHIP OF MAPLE VALLEY

Dated: _____

By: _____

Michael Beach, Assessing Official

Tax Roll Attached