

DUCK LAKE

LAKE IMPROVEMENT BOARD

HEARING OF PRACTICABILITY & REVIEW OF APPORTIONMENTS

July 9, 2011

A special meeting of the Duck Lake, Lake Improvement Board was held in the Crystal Community Center, 217 Park Street, Crystal, Michigan on the 9th day of July, 2011 at 10:00 a.m.

The hearing was called to order by Chairman Sandborn.

PRESENT: Marv Sandborn, Chairman
Property Owners Representative

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

Bob Gagne, Member
Crystal Township Representative

Marie Nico, Member
Crystal Township Representative

ABSENT: Betty Kellenberger, Member
Montcalm County Board of Commissioners

ALSO

PRESENT: Pam Tynning, Progressive AE
Carrie Wills, Drain Commission
Property Owners attached

Don explained the reason for the public hearings and the procedures of the Lake Board Act. He introduced the Lake Board Members, Pam, and Drain Commission staff.

He thanked the residents of Duck Lake for their support of the board's efforts to make improvements to the lake.

A motion was made by Bob and seconded by Marie to accept the minutes of the May 16, 2011 meeting as presented. Motion carried.

PUBLIC HEARING OF PRACTICABILITY

Presentation of Proposed Program 2012 thru 2016 and Update on the Dredge Project

Pam provided a slide show presentation of the proposed weed control program. She discussed the different kinds of plant growth found in Duck Lake and what is being

proposed to keep them in control. Starry Stonewart has been found recently in Duck Lake. As of date, there is no defined method of treatment for the stonewart. High doses of copper sulfate can be used as well as harvesting. The board will treat and harvest and keep it controlled as best they can. Included in the discussion was an explanation of different chemicals available to treat plant growth. The plan for next year is to apply for a permit to use sonar to treat the milfoil and harvesting for other nuisance weeds. Some treatment may also be needed for lily pads and algae.

Pam updated the audience on the dredge project which has been temporarily put on hold because of the cost involved to remove and dispose of the sediment. She displayed a map showing past and present locations of oil wells around the lake. The large number of wells could be a contributing factor to the high level of arsenic in the lake sediment.

Don presented letters to be included in the minutes.

Three letters were received prior to the hearing: one letter in favor and two letters in opposition of the weed control program. A motion was made by Don and seconded by Bob to accept the letters and include them as part of the minutes. Motion carried.

Chairman Sandborn opened the hearing up for questions and comments from the public

Ginny Walgren: She had with her, a copy from the DEQ listing 11 different chemicals being used and a map of locations to be treated.

Pam: Explained that not all the chemicals listed are used. At the time of the permit application which is done in January, the contractor cannot be certain what plants will need to be treated so he has to request the permit to cover any chemicals that he feels might possibly be needed for that year's program. Restrictions in regards to shallow wells or other setbacks determine which chemicals can be used in certain locations. The map Ginny had was the map submitted with the permit application and not the actual treatment map.

Ginny: What can a person do if a chemical was used in a restricted area?

Pam: Contact the DEQ so they can in turn contact the applicator and investigate the claim.

Ginny: She would like a copy of the actual treatment map.

Pam: DEQ does not permit treatment for the whole lake unless sonar is being used. Uninhabited areas of the lake can only be treated for milfoil. It is not permitted to treat the native plants in those areas.

Leatha Andrew: Lily pads are very thick in front of her home. It appears that when the lily pads are harvested, they grow back even thicker.

Pam: The lily pads can be harvested but need to be done in more than just one year. Cutting them in consecutive years will eventually take care of them. The problem is that the harvester can't get into shallow areas or along lake shores. Herbicides can be used to treat but should be used in late summer to help with the next year's growth. Treating this year will not help with this year's growth.

Larry Pearson: It appeared to him that the harvester wasn't cutting through the weeds last year, but just seemed to be knocking them down. They need to slow down and make sure they are cutting them off.

Kurt VandeGuchte: He thought they had talked about opening up part of the lake by removing the floating bog/mass of weeds. They also need help cleaning out the outflow.

Marv: They are going to try to harvest the channel this year. He suggested that the homeowners along the channel get together to apply for a DEQ permit to dredge just the channel.

Ron Massanari: Asked about the testing done on soil samples from surrounding lands and on Richard Walthorn's property.

Pam: The arsenic level in the surrounding lands was not as high as the level in the lake sediment. A dumpsite could be used if the spoils were covered up with good topsoil and deed restrictions were placed on the property. The board decided not to test the soils on Walthorn's property. The cost of the dredge project is too expensive to pursue at this time and they did not feel it warranted incurring any additional costs.

Carol Baxter: Asked how much of the \$36,000 dedicated in the budget for weed control was for herbicide treatment and how much for harvesting. She doesn't feel the harvesting is working. Her water front is also thick with lily pads. It seems like the only clear areas in the lake are those being treated with herbicides.

Pam: Herbicide application costs about \$350 per acre and harvesting is about \$325 per acre. DEQ only permits treating out 300 feet from the shoreline except milfoil and starry stonewort.

Bob Walsak: Can you send the handouts along with the notice and post them on the website so people can review them prior to the meeting and have their questions ready? What would be the worst case scenario if the weed program was discontinued?

Don: The goal is to control native plants and destroy the non-natives. Herbicides and harvesting are used to obtain that goal. If no longer treated, the lake would become unusable. You would not be able to boat or swim anymore. The milfoil would get out of control and take over the lake. 135 loads of weeds were harvested and removed from the lake last year. If left, they will die off and drop to the bottom of the lake where they will add nutrients to the lake and produce more weeds.

Phil Foster: Harvesting is like mowing. The weeds come back. He would also rather see more chemical treatment instead of harvesting. The fish growth seems to be down.

Ginny: According to the April 5, 2011 minutes, the board has talked about developing a watershed plan.

Marv: A watershed plan is needed for future projects if the board wants to get any state grants. There is no cost to the board as all voluntary hours worked on the project are credited to the board.

Ginny: The minutes also say that property owners on the lake seem to be happy with the results of last year's weed control. She has not talked to anyone that has been pleased. She asked if they could see a show of hands of those who are happy with the program.

Marv: He has received email and other messages from people happy with the pickup of weeds etc. He would like to rephrase the question and ask to see a show of hands of those who are happy to have the program as compared to not having the weed control. Several hands were raised.

Larry Pearson: At one time there were several large areas of arrowroot growing in the lake which made good fish cover. He showed those areas to Pam on the map.

Bob Naumann: Asked for the board's opinion on using milfoil weevils.

Pam: Weevils have been used on other lakes but the results are unpredictable. The bugs are very expensive and don't always work. Fish will feed on the bugs. Once weevils have been used, other types of control cannot be used in those areas to treat the other kinds of nuisance plants.

Marlene O'Grady: She lives across the street from the lake so she is not notified of treatments dates. The chemicals affect her health and she often misses work. She understands that the treatment is necessary but would just like to have some kind of notification when the work will be done so she can take precautions.

Pam will work with the applicator to make sure she is notified.

Bob Gagne: One final comment. There is only so much the lake board can do because of the various restrictions enforced by the DEQ. Home owners should contact their state legislators and DEQ officials to try to get some of the restrictions lifted.

Marv: Reminded everyone that he has harvester rakes available for people to use.

There being no further questions or comments from the public, the Hearing of Practicability was closed by call of the chair.

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

**RESOLUTION TO PROCEED WITH
IMPROVEMENTS TO DUCK LAKE**

At a special meeting of the Duck Lake, Lake Improvement Board held in the Crystal Community Center, Crystal, Michigan, on the 9th day of July 2011, at 10:00 a.m.

PRESENT: Sandborn, Gagne, Nico, Cooper

ABSENT: Kellenberger

The following resolution was offered by member Gagne and seconded by member Nico.

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

WHEREAS, it is the desire of the Duck 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: 4

 NAYS: 0

RESOLUTION DECLARED ADOPTED.

I, Donald E. Cooper, Secretary/Treasurer of said Duck 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 9th day of July 2011. 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 9th day of July 2011.

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

EXHIBIT A

**DUCK LAKE, LAKE IMPROVEMENT PROGRAM
PROPOSED BUDGET FOR WEED CONTROL
2011-2015**

IMPROVEMENT	COST
Aquatic Plant Control (Herbicide Treatments, Mechanical Harvesting, Dredging, Etc)	\$36,000.00
Administration and Inspections	8,000.00
Contingency	<u>4,000.00</u>
Total Annual Cost	\$48,000.00

The Special Assessment District for Duck Lake includes all properties which border the lake and back lots which have deeded or dedicated lake access. Special assessments for the project are proposed to be apportioned in the following manner:

<u>Approximate Annual Assessments:</u>	<u>Factor</u>	<u>Amount</u>
Lakefront <300 feet	1 Unit	\$306.71
Lakefront >300 feet	2 Units	\$613.42
Backlots <300 feet	.5 Units	\$153.35
Backlots >300 feet	1 Unit	\$306.71

Note: Contiguous lots in common ownership are proposed to be assessed as a single parcel provided only one house exists on the parcel.

The amount of herbicide use or harvesting in any given year will depend on the type and distribution of aquatic plants and Department of Environmental Quality permit conditions.

Plant control activities are proposed to be coordinated under the direction of the lake board's consultant. The Consultant will be responsible for preparing bid documents and/or contract extensions for the plant control program, assisting the lake board with the selection of the plant control contractors, conducting surveys of the lake to determine the scope of work to be performed by plant control contractors, and performing follow-up inspections to ensure work is performed in a satisfactory manner. The consultant will report to the lake board regarding the performance of the plant control contractors and will make recommendations to the lake board regarding payments to the contractors. The consultant will also assist with the preparation of technical data and reports required to obtain state approvals for fluridone treatments of Duck Lake.

Project administration and contingencies includes all costs incurred by the Duck Lake, Lake Improvement Board including postage, copies, mailings, notices, and other project-related expenses. In accordance with Part 309 of the Natural Resources and Environmental Protection Act, act 451 of 1994, a lake board may add not less than 10% or more than 15% of the total project cost for contingent expenses.

REVIEW OF APPORTIONMENTS

Chairman Sandborn called the Hearing of Apportionments to order.

Cooper presented the Special Assessment Roll and explained that the apportionment factors for the new roll will be the same as those used in past programs.

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

Ginny: What are we paying compared to last year?

Marv: About \$5 more than last year.

Bob Naumann: Thanked the board for their efforts and commented that he thinks the board is going in the right direction. He encouraged the board to continue to pursue the watershed plan and asked if there is some way to begin building a fund for a future dredge project.

Ginny: What would need to be done to set up a fund for a dredge?

Don: Explained that all property owners would have to be contacted of the intent and a public hearing such as this one would have to be conducted.

Corrections to Special Assessment Roll:

There were no corrections made to the assessment roll.

The Review of Apportionments Hearing was closed by call of the Chair.

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 Gagne and seconded by Nico to adjourn the meeting at 12:15 Motion carried.

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

Dated: July 9, 2011

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 Duck Lake, Lake Improvement Board, Montcalm County, Michigan held on July 9, 2011, 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 Duck Lake, Lake Improvement Board.

Donald E. Cooper
Montcalm County Drain Commissioner

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

At a special meeting of the Duck Lake, Lake Improvement Board held in the Crystal Community Center, 217 Park Street, Crystal, Michigan, on the 9th day of July 2011 at 10:00 a.m.

PRESENT: Sandborn, Cooper, Nico, Gagne

ABSENT: Kellenberger

The following resolution was offered by member Gagne and seconded by member Nico.
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 Duck 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. Said Special Assessment Roll in the amount of \$240,000.00, is hereby confirmed.
2. The assessments in said Special Assessment Roll shall be payable in 5 annual installments. The first installment of \$48,000.00 to be due on December 1, 2011, and payable without penalty through February 14, 2012. Subsequent installments of \$48,000.00 shall be due on or before the 1st day of December of each year thereafter and are payable without penalty through the 14th day of February of each year thereafter.
3. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected, and the Township Clerk of Crystal 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 Improvement Board, and the treasurer is directed to collect the amounts assessed as the same become due.

ADOPTED: AYES: 4

NAYS: 0

RESOLUTION DECLARED ADOPTED.

I, Donald E. Cooper, Secretary/Treasurer of said Duck 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 9th day of July 2011. 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 29^h day of July 2011.

Donald E Cooper, Secretary/Treasurer
Duck Lake, Lake Improvement Board

DUCK LAKE
CRYSTAL TOWNSHIP
WEED CONTROL PROGRAM
2012 - 2016

BENEFIT FACTORS

USE FACTORS

Lakefront Parcels <300 Feet	1 Unit
Lakefront Parcels >300 Feet	2 Units
Backlot Parcels <300 Feet	.5 Units
Backlot Parcels >300 Feet	1 Unit

The Special Assessment District for Duck Lake includes all properties that border the lake and back lots that have deeded or dedicated lake access.

(Note: Contiguous lots in common ownership are proposed to be assessed as a single parcel provided only one house exists on the parcel.)

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

TAKE NOTICE that the Duck Lake, Lake Improvement Board has confirmed the Special Assessment Roll for improvements to Duck Lake. The Special Assessment Roll in the amount of \$240,000.00 has been prepared for the purpose of assessing the cost of aquatic plant control and other lake improvements, engineering, administration, and contingencies over a 5-year period (2011 - 2015). 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.

Duck Lake, Lake Improvement Board
Montcalm County, Michigan

CERTIFICATE OF ASSESSING OFFICIAL

The undersigned is the Assessing Official for Crystal Township and hereby certifies that the attached Special Assessment Roll for the Duck Lake Special Assessment District was made pursuant to a resolution of the Duck Lake, Lake Improvement Board adopted on Saturday, July 9, 2011,, 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 resolutions and the statutes of the State of Michigan.

TOWNSHIP OF CRYSTAL

Dated: _____

By: _____

Chuck Zemla, Assessing Official

Attachment