

LAKE MONTCALM

LAKE IMPROVEMENT BOARD

HEARING OF PRACTICABILITY & REVIEW OF APPORTIONMENTS

AUGUST 7, 2010

A special meeting of the Lake Montcalm, Lake Improvement Board was held at the Douglass Township Hall, 3521 W McBride Rd, Stanton, Michigan on the 7th day of August 2010 at 9:00 a.m.

PRESENT: Mike Dunn, Chairman
Abutting Property Owners' Representative

Sandy Raines, Secretary/Treasurer
Montcalm County Deputy Drain Commissioner

Jason Hiscock, Member
Belvidere Township Representative

Jeff Bokovoy, Member
Douglass Township Representative

ABSENT: Patrick Carr, Member
Montcalm County Board of Commissioners

ALSO

PRESENT: Norm Zion, Aquatic Nuisance Control,
Tony Groves, Progressive AE
Carrie Wills, Drain Commission
Property Owners attached

Chairman Dunn introduced the Lake Board Members, Norm, Tony, and Drain Office staff

Chairman Dunn called the meeting to order at 9:02 a.m.

A motion was made by Jeff and seconded by Jason to approve the minutes of the June 15, 2010 meeting as presented Motion carried.

Public Hearing of Practicability

Tony explained the necessity for the two hearings and presented the proposed weed control program for 2011 through 2015. The program has been working well and the board has strived to keep the program costs down. The main objective of the program is to control the nuisance, exotic weeds and preserve a diversity of the good plants.

Norm agreed that the program has been working well. The milfoil is under control now so more of the good plants are coming on. The algae growth is not as bad as before either. The program is not intended to make the lake look like a swimming pool. You want good plants to provide fish habitats and provide food for fish growth.

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

Shelley Joslin: She brought in a plant sample for Norm to see. Apparently there is still some new green growth of milfoil.

Jason: Sonar is the best treatment for milfoil, but it is restricted by the DEQ. He explained how breakage of milfoil will cause it to spread more.

Shelley: She grew up there in the 70's and doesn't remember seeing the celery then. There is a lot of it there now.

Tony: The lake survey in June showed a small amount of celery. But it is a late season plant and more was seen in the lake during the July survey. It is a beneficial plant and the growth pattern changes from year to year.

Norm: Celery has been seen a lot in Michigan in the last 6 or 7 years. There is no good effective herbicide for the celery.

Tony: The lake survey in July didn't show as much broadleaf pondweed as the May survey. Sonar will slow the growth of native plants in the first year but they tend to pick up after that.

Jack Hegeneaur: He lives in NW corner of the lake. He thinks the weed control may be affecting the fish population. Does the herbicide destroy the food chain so fish can't survive? Also feels that the milfoil may run a natural life cycle and if untreated will take care of itself.

Norm: Weed control might alter the location of the fish habitats but it does not eliminate anything in the food source.

Tony: If too much weed cover is removed it can affect the fish growth. However, the lake survey showed a good diversity of plants.

Mike: Wave action caused by boats and wave runners causes more of a problem than weed treatment.

Shelley: Agrees about the boat activity. She doesn't see the fish beds like they used to be, but boat activity has increased a lot over the years.

Jerry Couples: Also agrees about the boat activity and feels it stresses the fish.

Jason: The boats and jet skis need to stay out of the shallow waters. The board has no jurisdiction to police the boat activity.

Patti Mitchell: Thanked them for putting out the buoys. People on the lake need to teach their guests proper usage of the lake and police their own people on boating activity and safety. She has seen blue gill beds in the same locations and the fish are there, but they just aren't biting.

Sandy Lyons: They have beautiful fish beds on their property.

Mary Jo Couples: Asked how the herbicide is applied.

Norm: Herbicides are applied by surface spray or spreading a granular from a boat. It is not done by airplane like crop dusting. Homes are too close to the lake and there would be too much drift.

Jack: Still not sure treatment is the right thing to do. Could you try treating the East half of the lake and not the West side of the lake and see what the difference would be.

People on the East side are not in favor of that idea. They want the weeds treated. If left untreated, the lake would go back to being overgrown and would cost more to get it back under control again.

Norm: Property can help with some of the problem. Boat action, lawn fertilizer, and bad septic systems are major causes of weed growth.

Don Shepard: Before the sonar treatment, the lake was not treated in front of his home.

Shelley: Wondered if algae feed off the dead weeds.

Tony: Yes, to some extent. That is why the good weeds are not removed.

Patti: Early season boaters actually help clean up the lake.

Donnie Johnson: She lives West of the sand bar and gets no water motion. There is nothing you can do about that. She has seen more lily pad growth this year.

Tony: Lily pads are good fish cover and keeps sediment from settling to the bottom. Growth varies from year to year.

Shelley: Feels property owners need to be educated and informed about what is going on. She thinks the notice is misleading and should have a contact number included.

Patti: Property owners are responsible to become involved and attend meetings to give their input.

Mike: Property may contact any of the board members. Phone numbers are included on the newsletter.

Patti: Wondered how much property owners had paid for the treatment before the lake improvement board was established. She feels the assessment is a fairer way to collect.

Jason: Property owners were paying about \$200 before the board.

Skip Parson: Control of the weeds increases the property values.

Charlotte Parsons: The lake looks really good this year.

Letters received prior to the hearing from Roger & Janet Langham, Barbara Hannahs, and Iris Dunn were introduced. Mr. & Mrs. Langham are concerned because property owners don't get a vote on the decision to approve the program. Mike explained that the board is trying to act in the best interest of property owners. The other two letters were in favor of the program. Copies of the letters are attached.

A motion was made by Jason and second by Sandy to accept the letters and add them to the minutes. Motion carried.

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

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

**RESOLUTION TO PROCEED WITH
IMPROVEMENTS TO LAKE MONTCALM**

At a special meeting of the Lake Montcalm, Lake Improvement Board held at the Douglass Township Hall, 3521 W McBride Rd, Stanton, Michigan, on the 7th day of August 2010, at 9:00 a.m.

PRESENT: Dunn, Hiscock, Raines Bokovoy

ABSENT: Carr

The following resolution was offered by member Hiscock and seconded by member Raines.

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

WHEREAS, it is the desire of the Lake Montcalm, 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 Lake Montcalm, 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 7th day of August 2010. 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 7th day of August 2010

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

EXHIBIT A

LAKE MONTCALM MANAGEMENT PROGRAM PROPOSED ANNUAL BUDGET 2010 – 2014

IMPROVEMENT	ANNUAL COST
Aquatic Plant Control/Vegetation Surveys ¹	\$11,000.00
Administration and Contingency ²	<u>1,500.00</u>
Total Annual Cost	\$12,500.00
Total Program Cost \$62,500	

It is proposed that the \$12,500 annual cost of the project be assessed for a 5-year period (2010 to 2014). A breakdown of approximate costs based on this approach is presented below:

LAKE MONTCALM MANAGEMENT PLAN COST BREAKDOWN

<u>Parcel Description</u>	<u>Number Assessment Factor</u>	<u>Assessment</u>
Lakefront parcels with 200 feet or more frontage	2	\$171.23
Lakefront parcels with less than 200 feet of frontage	1	\$ 85.62
Backlots with deeded access	1	\$ 85.62
Backlots with dedicated access	.5	\$ 42.81

Contiguous lots in common ownership will be assessed as one parcel provided only one dwelling exists on the parcel. Single parcels with multiple dwellings will be assessed for each dwelling.

¹ The amount of herbicide use in any given year will depend on the type and distribution of aquatic plants and Department of Natural Resources and Environment permit conditions. The aquatic plant control program on Lake Montcalm focuses primarily on invasive exotic species such as Eurasian milfoil, curlyleaf pondweed, algae, etc.

² Project administration would include costs related to legal notices and hearing proceedings, postage, copies, mailings, and meetings. 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

Presentation of Special Assessment Roll.

Chairman Dunn opened the hearing up for questions and comments from the public. A handout listed the benefit factors and annual assessment amounts for each parcel in the district.

Jack: He has only one dwelling and wonders why he pays more.

Jason: Explained the size factor involved. Anything over 200 feet of frontage is give a 2; properties with less than 200 feet are give a 1.

Jack: Doesn't want his frontage treated next year.

Jason: That could be a problem. Not treating an area that size could be detrimental to the rest of the lake.

Skip: Asked who to contact if property ownership changes.

Sandy: Contact the Drain Office.

Norm: We need to look at the lake as a unit and not as each individual property owner. He would not suggest not spraying Jack's location.

Jack: Still not convinced it's a good thing and feels it is hurting the lake. He wants to avoid any treatment to his property.

Jeff: Controlling boat activity would be a better idea than not treating a large portion of the lake.

Tony: Agrees that not treating the large of an area will be worse for the lake. Herbicides should not be affecting the fisheries. Milfoil is not good fish cover and breakage from boat propellers etc will reinfest the lake. He suggested getting a copy of the last DNR fish study.

Mike: He has a copy of the fish study which rated Lake Montcalm above other lakes.

Don: The no-wake time restrictions are not being followed. Property owners need to police their people.

Mike Timiney had been in the Drain Office prior to the hearing to ask about the factors assigned to parcels owned jointly by family members and contiguous parcels owned individually by the same family members.

Parcel: 001-250-003-00 is titled to all members of the family including Mike Timiney, Shelley Joslin, Daniel Riley, and George Timiney. (Factor assigned: .5)

Parcels: 001-250-004-00/005-00 are contiguous and are owned by Mike Timiney (Factor assigned: .5 & 0)

Parcels: 001-250-006-00/007-00 are contiguous and are owned by Shelley Joslin and Daniel Riley. (Factor assigned .5 & 0)

Corrections to Special Assessment Roll:

<u>Parcel No.</u>	<u>From</u>	<u>To</u>
001-250-004-00	.5	0
001-250-006-00	.5	0

A motion was made by Sandy and seconded by Jason to accept the factor changes and to amend the tax roll with the changes. Motion carried.

There being no further questions or comments from the public on the Review of Apportionments, the hearing was closed by motion of Sandy and seconded by Jeff. 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 Sandy and seconded by Jeff to adjourn the meeting at 10:25 a.m.

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

Dated: August 7, 2010

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 Lake Montcalm, Lake Improvement Board, Montcalm County, Michigan held on August 7, 2010, 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 Lake Montcalm, 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 LAKE MONTCALM**

At a special meeting of the Lake Montcalm, Lake Improvement Board held in the Douglass Township Hall, 3521 W McBride Rd, Stanton, Michigan, on the 7th day of August 2010 at 9 a.m.

PRESENT: Dunn, Hiscock, Raines, Bokovoy

ABSENT: Carr

The following resolution was offered by member Raines and seconded by member Hiscock:

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

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 Lake Montcalm against benefitting properties; and

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 Lake Montcalm Special Assessment Roll. (2010-2014)
2. Said Special Assessment Roll in the amount of \$62,500 is hereby confirmed.
3. The assessments in said Special Assessment Roll shall be payable in 5 annual installments. The first installment of \$12,500.00 to be due on December 1, 2010, and payable without penalty through February 14, 2011. Subsequent installments of \$12,500.00 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.
4. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected, and the Township Clerks of Douglass and Belvidere Townships shall deliver said Special Assessment Rolls to the Township Treasurers, with their warrant attached, commanding the treasurers to collect the assessments therein in accordance with the directions of the Lake Improvement Board, and the treasurers are 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 Lake Montcalm, 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 7th day of August 2010. 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 7th day of August 2010.

Donald E. Cooper, Secretary/Treasurer

LAKE MONTCALM
BELVIDERE & DOUGLASS TOWNSHIP
WEED CONTROL PROGRAM
BENEFIT FACTORS

USE AND SIZE FACTORS

Lakefront parcels with 200 feet or more frontage	2
Lakefront parcels with less than 200 feet of frontage	1
Back lots with a deeded lake access	1
Back lots with a dedicated lake access	.5

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

**Single parcels with multiple dwellings will be assessed for each dwelling.

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

TAKE NOTICE that the Lake Montcalm, Lake Improvement Board has confirmed the Special Assessment Roll for improvements to Lake Montcalm. The Special Assessment Roll in the amount of \$62,500.00 has been prepared for the purpose of assessing the cost of a lake improvement program consisting of herbicide treatments and mechanical harvesting for aquatic plant control over a 5-year period for 2010 through 2014. 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.

Lake Montcalm, Lake Improvement Board
Montcalm County, Michigan