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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: SPRING LAKE - LAKE BOARD
PUBLIC HEARING

Proceedings commenced at 6:30 p.m., on Monday,
August 14th, 2023, at the Spring Lake Middle School, 345
Hammond Street, Spring Lake, Michigan, held before Marjorie
A. Covey, CSR-2616, Certified Shorthand Reporter, RPR and
Notary Public.

APPEARANCES:

- Mr. Mike Rolf, Chair and Spring Lake Resident
- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. John Nash, Spring Lake Township
- Mr. Roger Bergman, Ottawa County Commissioner
- Ms. Samantha Verplank, Village of Spring Lake
- Mr. Dave Billinghamurst, City of Ferrysburg
- Ms. Brenda Moore, Muskegon County Drain Commissioner
- Ms. Michelle Hazecamp, Muskegon County Commissioner

- Mr. Paul Hausler, Project Consultant, Progressive AE
- Mr. Anthony Groves, Project Consultant, Progressive AE

- Mr. Kyle A. O'Meara, Attorney,
Fahey, Schultz, Burzych, Rhodes

1 Spring Lake, Michigan

2 August 14th, 2023, 6:30 p.m.

3 BOARD CHAIR MIKE ROLF: Hello, everybody. Thanks
4 for coming out on this rainy night. This is a meeting of the
5 Spring Lake - Lake Board. My name is Michael Rolf. I'm
6 president of the Spring Lake - Lake Board.

7 And I'm going to call the meeting to order right
8 now. I'd like to start off by introducing the members of the
9 Lake Board. I will ask them to introduce themselves, and
10 state who you represent.

11 We're a statutory body, our members are selected by
12 governmental units in many cases. I am a member-at-large,
13 representing the general population of lakefront property
14 owners.

15 Again, my name is Mike Rolf. And can we start down
16 here with Mr. John Nash?

17 BOARD MEMBER JOHN NASH: Good evening, my name is
18 John Nash and I represent Spring Lake Township, and have
19 since about 1992.

20 Thank you very much for coming.

21 BOARD MEMBER JOE BUSH: Hello everybody. My name
22 is Joe Bush, the Ottawa County Water Resources Commissioner,
23 also known as the drain commissioner. I represent the entire
24 County of Ottawa as far as being one of the countywide
25 electeds, and by state statute I have to be on this board.

1 So I appreciate everybody taking the time to learn
2 and listen about the project that we're getting ready to put
3 before you tonight. Thank you.

4 BOARD MEMBER DAVE BILLINGHURST: Hello. My name is
5 Dave Billinghamurst. I represent Ferrysburg, and I've been on
6 it for about one week now.

7 BOARD MEMBER ROGER BERGMAN: Hello. I'm Roger
8 Bergman. I represent Ottawa County District 10. And since
9 this is my district, by state law I'm required to be on this
10 Lake Board. I've been on it for, this is my 11th year on
11 this board.

12 BOARD MEMBER MICHELLE HAZECAMP: My name is
13 Michelle Hazecamp. And I'm a Muskegon County Commissioner
14 representing Fruitport District.

15 And I too am new to this board. I've been on it
16 for about a week.

17 BOARD MEMBER SAMANTHA VERPLANK: Hi everybody.
18 I'm Samantha Verplank, and I am represent the Spring Lake
19 Village. And I've been on the Lake Board for several years
20 with John and Mike.

21 It's good to see everybody tonight.

22 PROJECT CONSULTANT PAUL HAUSLER: Hi. I'm Paul
23 Hausler. I'm a Water Resources Practice Leader for
24 Progressive AE, one of the consultants for the Spring Lake
25 lakeshore.

1 PROJECT CONSULTANT ANTHONY GROVES: And my name is
2 Tony Groves, I work with Paul, also from Progressive AE.

3 BOARD CHAIR MIKE ROLF: Thank you.

4 PROJECT CONSULTANT ANTHONY GROVES: And we also
5 have here Mr. Kyle O'Meara. Kyle works for the law firm of
6 Fahey Schultz. His firm is helping the Lake Board with the
7 assessment proceedings and the public hearing process for the
8 continuation of the project.

9 BOARD CHAIR MIKE ROLF: All right. We've had an
10 agenda available in the back of the room, as well as the
11 notice that was sent to property owners.

12 Any additions or corrections to the agenda?

13 BOARD MEMBER ROGER BERGMAN: I'd like to move to
14 approve the agenda.

15 BOARD CHAIR MIKE ROLF: I have a motion to approve.
16 Is there a second?

17 BOARD MEMBER JOE BUSH: Second.

18 BOARD CHAIR MIKE ROLF: Any comment?
19 All in favor then?

20 (All said, "Aye.")

21 BOARD CHAIR MIKE ROLF: Any opposed?

22 (No response.)

23 BOARD CHAIR MIKE ROLF: All right. Next on the
24 agenda is approval of our July meeting minutes. Are there
25 any additions or corrections to the July 10th Spring Lake -

1 Lake Board meeting minutes?

2 BOARD MEMBER ROGER BERGMAN: I'll make that motion
3 to approve.

4 BOARD CHAIR MIKE ROLF: That's Mr. Bergman makes
5 another motion to approve the July 10th, '23, meeting minutes
6 of the Spring Lake - Lake Board.

7 Is there a second?

8 BOARD MEMBER JOE BUSH: Second, Ottawa County.

9 BOARD CHAIR MIKE ROLF: Any comment?

10 All in favor then?

11 (All said, "Aye.")

12 BOARD CHAIR MIKE ROLF: Any opposed?

13 (No response.)

14 BOARD CHAIR MIKE ROLF: All right. The meeting
15 minutes are approved.

16 Now we are at the matter of the Public Hearing of
17 Practicability. We will now open the public hearing. And
18 the hearing will be available for public comment.

19 But first, I'd like our Lake Board consultants and
20 engineers to give an overview. And I think Tony Groves will
21 do that for us.

22 PROJECT CONSULTANT ANTHONY GROVES: Thanks, Mike.

23 Like I said, my name is Tony Groves, I work for
24 Progressive AE, and I work with Paul. And we've been
25 involved with the project almost from the beginning.

1 Now this board actually has been in existence for
2 many years, it was established back in 1997. And there has
3 been an ongoing project on the lake for 20-plus years.

4 And the purpose of this meeting tonight, the
5 meeting tonight, is to get public input on the
6 practicability, as it's called, of continuing the project.

7 So with that, I'd like to give a brief overview of
8 the project, and then we'll go ahead and open it up to
9 questions.

10 So the new project is proposed to begin next year,
11 in 2024. The current project ends this year. It would have
12 a 10-year time frame. And it would have essentially the same
13 scope as it's had in previous years, with the exception of
14 one additional element, and that's what's called an alum
15 treatment. And I'll talk a little bit more about that in a
16 minute.

17 One of the key elements of this project is aquatic
18 plant management. In general, aquatic plants are very
19 beneficial to the lake. We need the plants. They're
20 critical to the ecology of the lake, to the fishery.

21 However, in Spring Lake we have too many of the
22 wrong types of plants, and this has been an ongoing
23 challenge. It's a sign that we need the vegetation lower so
24 it's not growing at a nuisance level.

25 When we talk about plant control, it's important to

1 note the objective of the program is not to remove all of the
2 vegetation from the lake, rather it's to control certain
3 specific plants that are what we call exotic or invasive
4 species.

5 And as far the type of plant growth goes, there is
6 three of real concern, primary concern. The first is a plant
7 called Eurasian milfoil, and there is also a hybrid variety
8 of that. And that's been kind of public enemy number one in
9 Spring Lake.

10 This plant spreads very quickly by what's called
11 vegetative propagation. And by that I mean it will break
12 into little pieces, and often times you'll find it by the
13 launch sites. Boats will come through and chop it up, and
14 the little pieces then will sprout roots, form new plants,
15 and this stuff spreads like wildfire.

16 So the primary focus of the treatment program is to
17 control this plant without impacting the beneficial plants.

18 Another plant that's problematic is one called
19 Curly-leaf pondweed. It's not a huge problem in Spring Lake,
20 but in some years we do get some pretty significant
21 infestation from it.

22 Another plant that's kind of a new arrival that's a
23 real problem is called Starry stonewort, and that's actually
24 a type of an algae. It's called a macro algae, which just
25 means it's a big algae. And this also spreads by

1 fragmentation. It has this little vegetative parts that will
2 break off and spread.

3 In many lakes this plant is causing real problems,
4 not so much in Spring Lake. But these are the three plants
5 that we focus on when we talk about managing vegetation in
6 Spring Lake.

7 Now when we talk about aquatic plants, that
8 includes rooted plants and algae. And algae often times is a
9 big problem on Spring Lake. And there is two different types
10 of algae. There is filamentous algae that kind of forms a
11 scum on the surface. And in recent years we have had issues
12 with what are called blue-green algae. And these are the
13 algae that can produce toxins.

14 And you read periodically about what they call
15 harmful algae groups, and sometimes they'll have beach
16 closings as a result of this blue-green algae.

17 Now we have a fairly robust population of
18 blue-green algae in Spring Lake. However, it hasn't come to
19 a point where we had any public health issues. So we're
20 below a threshold value where we've got a public health
21 concern.

22 The concern is that if you swallow water that has
23 this algae in it, it can make you sick. So we do have the
24 blue-green issue in Spring Lake, but it's not a public health
25 concern as of yet.

1 One of the challenges with algae is it's kind of
2 whatever way the wind blows, as anybody that lives in the
3 bayou can attest. If the wind is blowing your way, the algae
4 will tend to stack up in your bayou. And then the wind can
5 shift overnight and suddenly it goes across the lake or goes
6 up to into Fruitport. So it's a little bit of a moving
7 target.

8 And EGLE, when I say EGLE I mean the Michigan
9 Department of Environment, Great Lakes and Energy, they
10 oversee all of the treatment, they permit all the treatments
11 that are done on Spring Lake.

12 And the treatments are done by a licensed
13 applicator. So my office doesn't do the treatments. This is
14 what we call contract work, where it's competitively bid out
15 some years ago. And we have a licensed applicator that
16 conducts the treatments.

17 But EGLE dictates by permit what products can be
18 used, where they can be used, how frequently they can be
19 used. And then they require that descriptions be posted when
20 they are used.

21 In recent years they really curtailed the use of
22 products, what were called copper-based products to control
23 algae growth. So in Spring Lake they only allow treatments
24 to be done in very specific areas of the lake, primarily in
25 the bayous.

1 So the algae growth has been pretty bad in some
2 locations this year. But the applicator, because of the
3 limitations of the permit, isn't allowed to treat it.

4 Now what my office does, and what Paul and I do, is
5 we have biologists from our office go out multiple times each
6 year, typically starting in May, and we survey the entire
7 lake. And these are surveys that are done with GPS, and we
8 have reference points established around the perimeter of the
9 entire shoreline, and there is a lot of shoreline out there,
10 about 25 miles around the entire shoreline. And it's a GPS
11 guided survey. So we will go out, identify where we have
12 nuisance plants we want the applicator to target, and then we
13 will create a map that directs the applicator where to treat
14 it.

15 And this is an example of a typical treatment map.
16 So we prescribe what can be applied, and at what dose it can
17 be applied. And obviously this has to be done consistent
18 with the permit from the state and the applicator. But we
19 help to coordinate that effort.

20 As part of that effort then, we'll go out, direct
21 them to where to treat, and then we come back out and we make
22 sure the areas that were targeted for treatment, that the
23 plants died back, we had adequate die back. And if not, we
24 have that applicator come back out and retreat at no
25 additional cost to the board.

1 The applicator is only paid for what they're
2 treating. So if they treat 50 acres, they're paid for 50.

3 We have a fairly sizable budget for plant control,
4 the whole budget is not used every year. So my office
5 dictates, or basically controls and coordinates where
6 treatments are done, and the applicator is only paid for what
7 they actually treat.

8 Another thing that we've done out in the lake is to
9 monitor, a water quality monitoring program. This program
10 began back in 1999, so we've got over 20 years of data. And
11 all the data is in the database and we monitor from year to
12 year changes in water quality.

13 And we looked at a number of different parameters.
14 We looked at the temperature and the dissolved oxygen.
15 Dissolved oxygen is critical to the fishery.

16 We look at the phosphorous totals. And phosphorous
17 is the nutrient of primary concern because that's typically
18 the nutrient that controls how much plant and algae growth
19 you have. So we're really interested in the phosphorous
20 level. When the phosphorous levels get too high, we start to
21 see a lot more algae growth. When we see more algae growth,
22 the transparency starts to fall off.

23 On the left-hand side there there is a sampler.
24 That's we use to take samples from the water columns, so we
25 can sample it. We have seven samplings locations in the lake

1 that have been used for 20-plus years. We sample top,
2 middle, and bottom, every spring and summer.

3 This past year we actually sampled a little more
4 extensively in anticipation of the new program. We had a
5 couple questions we wanted to get answers to.

6 Now this is a summary of the phosphorous data
7 collected since the project began. And those red bars
8 indicate the phosphorous levels of the lake. The white
9 line -- I'm sorry, let me go back.

10 This white line is the level that we like to stay
11 at or below. It's 20 parts per billion. You get above that
12 level, and the lake starts to get kind of a green appearance
13 to it.

14 Now when we started the project we had really high
15 phosphorous levels. And back in 2005, we did what's called
16 an alum treatment. And that's a compound called aluminum
17 sulfate that's added to the deep portion of the lake. It
18 binds the phosphorous in the water column, it settles to the
19 bottom, and it inactivates the phosphorous in the lake
20 sediment. And it keeps that phosphorous from coming back
21 into the solution and mixing in the lake and stimulating
22 algae groups.

23 Alum has been done on hundreds of lakes. There has
24 only been a handful of lakes done in Michigan and Spring Lake
25 happened to be one of them.

1 That treatment was conducted in 2005. Again the
2 project was competitively bid. We had a contractor come in
3 and do the work. We projected at that time that we would get
4 five, maybe ten years of improved water quality condition.
5 And we got actually all that and a little more. We got a
6 full ten years, and almost 15 years.

7 So it really worked better than expected, so we
8 were quite pleased with that initial treatment. However, in
9 recent years, the phosphorous levels have started to bump up
10 again. So based on our sampling we found that the alum
11 treatment is starting to lose its effectiveness, that
12 original treatment that was done over 18 years ago now.

13 So we're looking at the possibility of a second
14 alum treatment of the lake, and I'll talk a little bit more
15 about that in just a second.

16 Another component of the program is information and
17 education. Now we created a website, the Spring Lake - Lake
18 Board website, that has a compilation of all the data that
19 we've collected from the lake over the years. So there is
20 information about the physical characteristics of Spring
21 Lake, we have new depth contour mapping that was done some
22 years ago, that's on the website. You can download it.

23 We've got all the technical reports have been done,
24 reports that have been done by my office, by Grand Valley,
25 and by other scientists, and then other reports of interest.

1 All of that information is on the website.

2 And one of the things we try to do on the website
3 is to educate folks as to what they can do, what you can do
4 as residents to minimize what's running off of your property
5 with respect to fertilizers and other things that actually
6 contribute to the problem. So part of the program moving
7 forward is to continue this information and educational
8 effort.

9 Another component of the project is the watershed
10 management. This is a picture of the Spring Lake watershed,
11 and the watershed is the land area that drains to the lake.
12 And the Spring Lake watershed is about 32,000 acres in area,
13 which is 50 square miles roughly. It drains or all part of
14 11 different municipalities. So it's quite a large land area
15 that drains to the lake.

16 And if you look up in the corner where that
17 round -- oops, I keep pushing the wrong button.

18 All right. This area here (indicating), that brown
19 indicates where there is agriculture. So up in the extreme
20 northeast headwaters of the water head, Norris Creek is the
21 main contributor to the lake. We do have some agricultural
22 activity up there. And we had a study done by Grand Valley a
23 couple years ago, and we had them analyze Norris Creek and
24 kind of give us some direction on where are the hotspots in
25 the watershed where we need to focus our attention.

1 And they said one of the them was the agricultural
2 land up at the headwaters. And if you're doing anything in
3 the watersheds, you need to focus on that.

4 They also noted that if you look at the area around
5 the lake here, the areas that are in yellow and red, those
6 are the areas that are urbanized, that have been developed.
7 Grand Valley did a study a couple years back, and they said
8 that between 1978 and the present, the amount of urbanization
9 close to the lake has more than doubled.

10 So we've had a lot of new development. With
11 development we get impervious surfaces, we get new roads,
12 driveways, rooftops, that results in more runoff. It's all
13 picked up by storm drains and finds its way into the lake.

14 So that information and education component that
15 we're promoting is going to include a watershed management
16 element. We're going to try to focus both on the urbanized
17 shore lands around the lake, do what we can to minimize what
18 gets into the lake, and also look at the farmlands in the
19 headwater areas to see what might be done to reduce
20 agricultural runoff from that part of the watershed.

21 Now this alum treatment, and let me elaborate a
22 little bit more on what it is and what it does. This is data
23 from last year, last August, 2022. It was over our deep
24 sampling location in the lake which is located right here.
25 It's about 40 feet deep there. We sampled top, middle,

1 bottom. This is back in August, and if you looked at water
2 temperature at the top is warm and at the bottom is quite a
3 bit cooler.

4 So basically the lake is in layers called thermal
5 or temperature stratification. We have warm water at the
6 top, cold water in the bottom. Those layers don't mix
7 because that cold water is a little more dense and stays on
8 the bottom, so it's isolated.

9 And then if you look at the oxygen levels,
10 typically we need about five milligrams per liter of
11 dissolved oxygen to sustain a healthy fishery. So at the
12 surface and mid depth, we have a healthy oxygen
13 concentration. You get down to the bottom though, no oxygen.
14 That's called anoxia.

15 That's important to know for a couple reasons. The
16 reason there is no oxygen there, and this is unusual in and
17 of itself, in lakes such as Spring Lake where we have a lot
18 of plant growth, when those plants die, they fall into the
19 bottom of the lake. And bacteria decomposes the organic
20 matter. And in the process of decomposing -- oops, okay. In
21 the process of decomposing it, they respire and they use up
22 oxygen. So it's not unusual to see a decline in oxygen in
23 the bottom of the lake where we got a lot of plant growth.

24 But in some lakes where you've got a lot, and when
25 I say a lot, extensive plant growth, that oxygen gets

1 completely used up, and then the phosphorous that's settled
2 to the bottom is -- becomes soluble again, and it comes back
3 into solution. And that's what's happening in Spring Lake.

4 And this happens in pretty much all of our deep
5 water sampling sites. It's most extreme at this site, but
6 this site illustrates it well. You look at that phosphorous
7 concentration at the bottom, it's in excess of a thousand.
8 That's tenfold what we want to see on the lake.

9 When the phosphorous concentration in the water
10 column is up above a hundred, that's fivefold what we want to
11 see.

12 So what the alum does is it stops that from
13 happening. When you apply the alum, the alum would be
14 applied over the deep portion of the lake, settles to the
15 bottom, it binds that phosphorous and holds it so it can't be
16 solubilized and come back into solution and feed the lake.

17 We had a very exhaustive study done of the
18 sediments of the lake a year before last, and they actually
19 measured how much phosphorous is available to come off the
20 bottom, and they estimated that the phosphorous released from
21 the bottom is roughly the same as what we're getting from the
22 watersheds.

23 So we've got two fronts we're trying to manage the
24 lake on; one deals with the watershed, the long-term
25 management of the lake, the other one deals with the lake

1 internally. And this alum treatment would control that and
2 prevent the release of phosphorous from the deep water.

3 And the alum treatment, it's done -- again alum is
4 a compound, aluminum sulphate. It's commonly used in water
5 treatment and wastewater treatment. It's also a food
6 additive so it's a safe compound.

7 But for the last 20 or 30 years, several hundred
8 lakes have been treated around the country. And now we've
9 got some new technology with respect to application, and with
10 respect to dose. The new alum treatment, if another alum
11 treatment is approved, the dose would be about 20 percent
12 higher than the application that was done back in 2005.

13 And with the new application technology, we expect
14 better results. So we're hoping this alum treatment will
15 give us 15, maybe 20 years of improved water quality
16 conditions.

17 So we're going to kind of replicate what was done
18 before, but, again, at a slightly higher dose than what was
19 done before, and with an improved application technology.

20 Another thing we have going for us is the
21 phosphorous released from the sediments today are actually a
22 little less than they were back in 2004 when the first alum
23 treatment was done. So we've got three things that we think
24 are going to enhance the effectiveness of another alum
25 treatment.

1 Now this information was mailed out to everybody,
2 the new budget. It would be a 10-year program like I
3 indicated that would start next year. The alum treatment
4 would be financed over a 10-year period.

5 The contract work would be competitively bid. And
6 I guess, yea, we can talk a little bit more about the budget
7 when we get into question and answer.

8 This is a breakdown of the assessments. This
9 project is financed through special assessment of benefiting
10 properties around the lake.

11 There will be a separate public hearing on the
12 assessments, that's not the focus of this hearing. But I
13 just wanted to put that out there so we know it's part of the
14 project.

15 But if the project is approved tonight, there will
16 be a seconds public hearing that will deal with, or address
17 the special assessments.

18 So with that, I want to thank you for your
19 patience. And I'm going to turn it back to the board and we
20 can open it up to questions and stay as long it takes to get
21 all your questions answered.

22 So thanks a lot for your attention.

23 BOARD CHAIR MIKE ROLF: Just before we start with
24 public comment, I'd like to introduce Brenda Moore, who is
25 another Spring Lake - Lake Board member from Muskegon County.

1 Okay. We'll throw the meeting open now for public
2 comment. I'd appreciate it if you'd come to the podium and
3 state your name, and your address, and go ahead with your
4 comments. We'd appreciate it if you are concise. We're open
5 for public comment.

6 MS. JOY HAZLETT: My name is Joy Hazlett. And I
7 live at 17401 Lake Beach Drive on Strawberry Point. And I'm
8 wondering, we pay an assessment right now for living on the
9 lake, and my question now with this treatment, our lot is
10 relatively small, do the people that have 70-foot lots pay
11 the same price as those that have 300 feet of lake frontage?

12 And then the next question, I'm sorry, how many
13 people on the lake still are on septic?

14 BOARD CHAIR MIKE ROLF: As to the first question,
15 the answer is, yes. Whether you have a relatively small lot
16 or a relatively huge lot, we have assessed that the benefit
17 is the same. If you've got lake access, you've got lake
18 access, direct lake access. You can put a dock in, you can
19 have a boat, you can swim. That's the reason for the
20 assessment.

21 As to the second, I can't speak to that. We do
22 have representatives from all of the governmental units.

23 Can someone else shed some light on that? Are
24 there sewers completely around the lake, and are they all
25 hooked up?

1 I will say one thing, I know that the sewers were
2 installed years ago, and one of the conditions of the federal
3 grant to install the sewers was that people had to hookup
4 within a period of time, a fairly short period of time. But
5 there was no enforcement of that, none at all. So people
6 kept using their septic systems for years and years.

7 Now I believe several of the jurisdictions for
8 quite a while have not allowed a transfer without -- a
9 property transfer without hooking up to sewer.

10 So let me ask John Nash who would know more than
11 me.

12 BOARD MEMBER JOHN NASH: At Spring Lake Township
13 the interesting thing is if you know much about public sewer,
14 it's very, very expensive. Fortunately our forefathers, on
15 the township board were wise enough to get as much of the
16 government funding as they could to get sewer everyplace they
17 possibly could.

18 Now does that say that it's everywhere around the
19 lake? Not every single place. But to Mike's other point,
20 the township has enforced everyone that could hookup, does
21 hookup. And I know that the township still is working to get
22 the various small areas that are not hooked up.

23 But I can say also that's not necessary --
24 necessarily consistent with all the use tallies around the
25 lake.

1 BOARD MEMBER BRENDA MOORE: Mr. Chair?

2 BOARD CHAIR MIKE ROLF: Okay. Brenda Moore,
3 Muskegon County Drain Commissioner might have some
4 information.

5 BOARD MEMBER BRENDA MOORE: Actually I don't want
6 to speak to that.

7 I'd like to ask that we hear the public. When
8 there is a public hearing, we might not be able to answer all
9 the questions, but that gives us time to reflect on some
10 things. I'd like to take the time we have to listen to folks
11 because the public hearing is about them asking questions.
12 We might not be able to answer them, but we should just be
13 listening.

14 So I'd like to take what time we have, if we could,
15 and we have great records, so we can go back and answer them.

16 I'm afraid we'll be here until 11 if we have
17 dialogue.

18 BOARD CHAIR MIKE ROLF: Okay, next question?

19 MS. LESLIE WOOLDRIDGE: Good evening, I'm Leslie
20 Wooldridge. I live at 16230 Woodvale Boulevard in Spring
21 Lake in the Gables Condominiums.

22 And my question is we have quite a bit of lakefront
23 basin surrounding our docks, and there is a lot of weeds in
24 there. And I get it that some of them are probably good
25 weeds. And we contract with PLM Land to Lake Management

1 Corporation to spray our weeds when they need to.

2 This year we had a tremendous amount of algae that
3 was very large and very odorous, land I called PLM. They
4 referred me to Paul Hausler at Progressive AE.

5 I talked to Paul and asked him if we could get
6 somebody to treat the algae. He said he'll get back to me.
7 He got back to me and he said we had to fill out an amendment
8 to do that because only the bayous were being treated.

9 I said, great. So he got back to me a couple days
10 later and said the amendment was denied.

11 So help me understand why we were denied treatment
12 of the algae on our lakeshore, but yet we are being assessed
13 for this program.

14 PROJECT CONSULTANT PAUL HAUSLER: Yes. So 2023 was
15 the first year of the new permit, renewed it this year, the
16 previous one was a four-year permit. And apparently since
17 the last permit there was an assessment by the DNR, and they
18 found freshwater mussels in parts of Spring Lake.

19 And that is the reason why, they're a threatened
20 species of freshwater mussels, so that was the reason for the
21 denial is that it would violate the Fish and Wildlife Service
22 Doctrine for threatened and endangered species.

23 MS. LESLIE WOOLDRIDGE: So the algae that's in
24 front of our property was -- we couldn't treat it because of
25 that?

1 PROJECT CONSULTANT PAUL HAUSLER: Right. There is
2 only 150 acres of the entire lake that is allowed to treat
3 algae under the new permit, and it's basically up into the
4 bayous. And some of the bayous it doesn't even cover the
5 whole bayous. It's just basically the terminal ends of the
6 bayous.

7 MS. LESLIE WOOLDRIDGE: So will this new assessment
8 treat everything?

9 PROJECT CONSULTANT PAUL HAUSLER: Well I think the
10 idea behind the alum treatment was to reduce the amount of
11 algae growth by taking away the source of the nutrients to
12 the algae. So we're hoping that if the alum treatment goes
13 forward, that there would be less algae growth in the lake as
14 a whole.

15 MS. LESLIE WOOLDRIDGE: Okay, thank you.

16 BOARD CHAIR MIKE ROLF: Next question?

17 MR. MIKE WEAVERS: Hi there. Mike Weavers, 637
18 Lake Avenue, Grand Haven.

19 BOARD MEMBER BRENDA MOORE: Can you speak up?

20 MR. MIKE WEAVERS: Sure. Is this better?

21 Anyways, I have a 15-foot boat slip on Spring Lake
22 Bayou. Three things, you don't have to answer now, but one,
23 where can we find the financials and the allocation of the
24 income per section? You have it sectioned out by benefit.
25 It would be nice to see who is paying what. My 15-foot slip

1 is assessed at 300 per year, which to me is fairly
2 substantial when the marina is paying \$30 per year for the
3 same size slips. I thought that was interesting, I just
4 found that out.

5 And I just want to confirm that the size and value
6 of the real estate is not taken into consideration. This is
7 something called benefit is how you allocate the charges, how
8 you allocate charges to property owners.

9 And third thing is I found it hard to find your
10 meeting schedules when you meet. And so what I'd like to see
11 is if they'll put the financials on your website, and also
12 meeting schedules, or at least send emails out to the
13 property owners. I'm sure we all want to know.

14 It's important to all of us that the lake looks
15 good as it flows into the river and into Lake Michigan.

16 But three things, allocations of expenses and cost
17 are something to take up at another meeting, but I thought
18 for 15 feet, I'm paying a pretty good price when multiple
19 million dollar properties are paying the same. I pay less in
20 property taxes than I pay in those benefits.

21 So thank you very much.

22 BOARD CHAIR MIKE ROLF: Thank you.

23 MR. GREGORY HUGHES: Good evening. My name is
24 Gregory Hughes. My family resides at 3151 South Street in
25 Fruitport. We've had property on the lake in the family

1 since 1968, and certainly recognize the efforts the board has
2 made, and we support that.

3 The question I would have is that if it was a
4 private lake, I certainly could understand the assessments.
5 But since it's a public lake that obviously people from
6 around west Michigan come from and throughout, is there state
7 funding, or grants, or federal grants that's available that
8 have been used in the past that may be available now to fund
9 this project, versus the burden of just the lake owners and
10 the surrounding marinas?

11 So that would be the one comment that I would have.
12 Thank you.

13 BOARD CHAIR MIKE ROLF: Do you want to respond to
14 that, Tony?

15 PROJECT CONSULTANT ANTHONY GROVES: Well I can.
16 We do look for grant opportunities, and to be
17 honest with you, in the lake arena, they are far and few
18 between. And especially for work such as what we're
19 proposing to do, the watershed work will sometimes fund that,
20 the competition for those grants is so intense that -- and in
21 fact, I saw a letter today from the state for a client of
22 ours that applied for a grant, they said there was \$600,000
23 available, they had 52 applicants requesting 1.8 million
24 dollars.

25 So there are some grants, and if there is something

1 that would be a good fit here, we'd certainly go after it.
2 But the grants, quite honestly, are far and few between.

3 Another thing is we often spend more time getting
4 that grant and administering the grant, than we get in the
5 grant. So we have to be careful, kind of be careful what you
6 wish for there.

7 MS. ANN SMITH: Hi, my name is Ann Smith. I live
8 at 17520 Williams Street in Spring Lake.

9 So a couple questions that I have is I've worked at
10 a nonprofit for over 35 years. Anything over \$10,000 had to
11 go out through a competitive bid.

12 Given the size of this, why is this project not
13 going out for competitive bids? There are several lake
14 restoration companies that are within the state of Michigan,
15 and I'm wondering, in looking at other lake boards across the
16 state, they put theirs out on an annual basis for bids.

17 So I'm just questioning why are we continuing to
18 use the same company and not putting this out for bid, not
19 looking to see what other opportunities are?

20 Alum, in my opinion, is a band-aid. Why are we not
21 looking at lake restoration?

22 Has there been any sediments taken that shows how
23 much alum is left from the last treatment?

24 PROJECT CONSULTANT ANTHONY GROVES: They did
25 measure the amount of alum phosphorous in the sediment.

1 MS. ANN SMITH: Okay. Is that information
2 available on the website?

3 PROJECT CONSULTANT ANTHONY GROVES: It's posted on
4 the website, yes.

5 MS. ANN SMITH: I also find the website a little
6 challenging to use as well.

7 Have you ever worked with MSU Extension? They are
8 a free resource that has a lot of expertise in water
9 management and getting information out to the public. I work
10 with them. I'm happy to connect you.

11 PROJECT CONSULTANT ANTHONY GROVES: We've been
12 working with the MSU Extension for almost 40 years. So I
13 know their staff extremely well.

14 MS. ANN SMITH: Okay.

15 PROJECT CONSULTANT ANTHONY GROVES: And we
16 interface with them frequently.

17 MS. ANN SMITH: Okay. It's hard to find some of
18 that stuff on your website.

19 But the question I really have is why is this not
20 being looked at and going out for a competitive bid for the
21 size of this? If you take 670,000 times ten years, we're at
22 a 6.7 million dollar project. And to not have this go out
23 competitively and have other companies be able to bid this,
24 in my opinion, is not very economical of using tax payer's
25 money.

1 PROJECT CONSULTANT ANTHONY GROVES: Just a quick
2 response, the contract work is all competitive. So the
3 lion's share is contract work that's competitively bid. The
4 alum treatment, and the plant control.

5 MS. ANN SMITH: But, sir, you have been at this
6 project since the beginning. There are other companies who
7 could come in here and who could bid doing the management of
8 this project, not just your company. And that's the part I'm
9 complaining about, that is not going out for bid.

10 It's the same people. This is the exact same issue
11 we had with Smith's bridge. We had the same engineering
12 company looking at until us citizens got together and managed
13 to get a second opinion, and the bridge got reopened.

14 I'm asking that this -- somebody else be allowed to
15 work on this project versus just yourself, and not just you
16 automatically getting the contract.

17 BOARD CHAIR MIKE ROLF: Well I can say the Lake
18 Board is quite satisfied with our consultants and engineers.
19 We have not received any proposals from anyone else.

20 Next comment?

21 MS. ANN SMITH: You have to put them out for bid.
22 Looking at other lake boards across the state of Michigan
23 they actually on their website put them out for bid. I'll be
24 happy to show you how that's done, and how that should be
25 going out to bid for your tax payers.

1 BOARD CHAIR MIKE ROLF: Go ahead.

2 MR. DAVID PLOOSTER: My name is Dave Plooster,
3 17309 Coles Park.

4 My only question is I just -- we are considered,
5 our neighborhood is considered a private marina.

6 I was just curious, do we fall under developed
7 lakefront? We have a marina that is less than 50 slips. I
8 wasn't sure, one of them is \$300 per person, basically, and
9 the other one is \$1200.

10 PROJECT CONSULTANT ANTHONY GROVES: If it's a
11 marina, it would fall under marina. But the second hearing
12 will be about the assessment amount, so you'll want to look
13 at the roll to see how they interpreted your property.

14 MR. DAVID PLOOSTER: Yes, because we're a marine
15 private.

16 PROJECT CONSULTANT ANTHONY GROVES: Okay, thank
17 you. Thank you.

18 BOARD CHAIR MIKE ROLF: More comments? Questions?

19 MR. JOE MARKOVICZ: Hello, everybody. Joe
20 Markovicz, 16087 Baird Drive, Spring Lake.

21 I just wanted to bring up, because I was at the
22 original Lake Board meetings way back then, when, and
23 representing Baird Point Farms Subdivision, and I wanted to
24 bring that up and it's been mentioned here that a marina is
25 only paying \$25 per slip.

1 Now how does that equate to myself who has a
2 developed back lot and paying 12 times that amount?

3 When we talk about both boating usage, and I think,
4 Tony, you mentioned about milfoil being cut up by boats, this
5 type of process, I think the -- I know we have a secondary
6 meeting about the assessment, but I think you need to look at
7 really what we're talking about here.

8 As we have more and more boat users on Spring Lake,
9 they should be paying their fair share. And even, I would go
10 as far as saying even the public access, maybe those rates
11 should go up, and part of that go to the Lake Board in
12 supporting cleaning the lake. Because it has made a
13 difference, but I want to make sure it keeps making a
14 difference and it just doesn't fall on everybody.

15 Because if I don't have a boat slip on the lake,
16 I'm not using the lake. That's all I have to say, thank you.

17 BOARD CHAIR MIKE ROLF: Yeah, we've talked about
18 this. We don't know of any way to charge boaters who come
19 here from Lansing, Grand Rapids, Indianapolis, from wherever,
20 and use the lake for a week or a few days.

21 There isn't any provision under state law that
22 we're aware of where we can charge them for --

23 MR. JOE MARKOVICZ: Don't they pay an access fee in
24 Fruitport?

25 BOARD CHAIR MIKE ROLF: Well that's for use of the

1 boat launch. But the DNR, well EGLE launch site is designed
2 to be open to the public. So they can go there.

3 MR. JOE MARKOVICZ: The other ones --

4 THE REPORTER: I can't hear you. I'm sorry.

5 MR. JOE MARKOVICZ: I said the other ones are
6 regulated by the village, or by Fruitport, you have to buy a
7 pass to put your boat in at Mill Point, right?

8 BOARD CHAIR MIKE ROLF: Well as far as I know, but
9 that one is EGLE or DNR.

10 People can also come in of course from the Grand
11 River and Lake Michigan ports, all around the lake. So it's
12 an unfortunate problem, we don't have a solution to.

13 Next?

14 MS. KATHY IRELAND: I'm Kathy Ireland, I live at
15 15707 Vine Street, Spring Lake.

16 THE REPORTER: I'm sorry? The street number?

17 MS. KATHY IRELAND: 15707.

18 THE REPORTER: And the street name?

19 MS. KATHY IRELAND: Vine.

20 THE REPORTER: I'm having a difficult time hearing
21 you.

22 MS. KATHY IRELAND: And I understand the purpose of
23 this meeting mostly is to talk about this project and I very
24 much appreciate that.

25 That means that we touched momentarily on

1 education, and I just would like to see if you could speak to
2 that at all.

3 I feel like these kinds of projects are more of a
4 reactive way of taking care of a problem instead of being
5 more proactive. And if we could maybe spread education out a
6 little bit more and not be fertilizing right down to the
7 water's edge, potentially, coming at it that way.

8 BOARD CHAIR MIKE ROLF: More comments, questions?

9 MR. STU ERBENTRAUT: Stu Erbentraut, 16621
10 Lakeview.

11 Phosphorous being a big problem in the lake, we are
12 banned from using it on our lawns for fertilizer.

13 The companies that we hire to fertilize, are they
14 banned from using it? And Home Depot, Lowes, and all the big
15 box stores, are still selling it. So what's to stop anybody
16 from using it?

17 BOARD CHAIR MIKE ROLF: Yeah. The applicators have
18 all attended Lake Board meetings in the past, and they've all
19 said that they abide by the local ordinances, which entirely
20 circle the lake.

21 Except I think the ordinances allow them to use
22 phosphorous for a new lawn, when a new lawn is being put in.
23 But an established lawn gets enough phosphorous from the
24 soil. We have a fairly high phosphorous content, I guess, in
25 our soils.

1 I personally haven't checked the big box stores or
2 others for compliance with the ordinances. I know at the
3 beginning they -- when the ordinances were adopted they did
4 all state that they would comply.

5 Does anyone have any better information about that?

6 PROJECT CONSULTANT ANTHONY GROVES: Well since the
7 local ordinances were adopted, the state has passed a
8 phosphorous fertilizer law in 2012, and it's supposed to be
9 illegal to apply phosphorous-based fertilizer, unless you can
10 show there is a phosphorous deficiency, or you've got a new
11 lawn you've established.

12 But to your point, enforcement on that is tricky.
13 So we're going to push -- part of the educational campaign
14 will be to remind people of that, and the fact that a little
15 bit of phosphorous, a pound of phosphorous can generate
16 several hundred pounds of vegetation in the lake. So it's
17 extremely important that people know that.

18 So we're going to try to reeducate people about
19 that, but enforcement remains a challenge.

20 MR. STU ERBENTRAUT: It's illegal to use it, but
21 it's not illegal for them to sell it.

22 PROJECT CONSULTANT ANTHONY GROVES: I know. I
23 know.

24 MR. STEVE HORNER: Steve Horner, 15490 Linn Court,
25 Spring Lake.

1 On the education side of things, the education
2 subject, I think this lake -- I think the lake is really
3 looking nice from my point. But anyway, I think we lack in
4 education.

5 I do have an eight- to ten-foot buffer between my
6 grass and the edge of the lake. We planted and done some
7 other things so that we have our buffer. And I know
8 that's -- I saw stuff in the Lake Board that said they
9 encourage people to do that.

10 I think the education part, I see a lot of my
11 neighbors cut their grass and just blow the grass right into
12 the lake. Don't care, you know.

13 I've called out -- I've talked to a couple
14 different lawn services. The guys who are cutting grass
15 don't care. Mike Rosen would say, oh, yes, we do care. I
16 tell my people we can't do that.

17 I ask one kid why he's doing that. He says, I only
18 have 25 minutes to do this lawn, that's my time frame, I have
19 25 minutes. I can't -- he blows it into the lake because he
20 has to be in the truck going somewhere else.

21 We need to education -- I think the education part
22 lacks, that's my comment.

23 BOARD CHAIR MIKE ROLF: I'll respond to that a
24 little bit too. That is the long-term key, education of the
25 public, and we are available to go to classrooms. We go to

1 neighborhood associations. It's pretty occasional that we do
2 that, but if requested, we do.

3 And for a while we had a fairly active program with
4 the elementary schools, and some of the science teachers got
5 materials from the Lake Board.

6 Tony, do you recall what we've done in that area?

7 PROJECT CONSULTANT ANTHONY GROVES: We've done some
8 mailings that dealt specifically with what that gentleman
9 mentioned, the green belt or vegetation buffer strips around
10 the lake, fertilizer guidance, and kind of the do's and
11 don'ts of living on the lake.

12 And as part of the program, I've proposed we
13 resurrect that again and maybe do a little bit more
14 aggressive mailing, put it right in people's hands. And
15 then, of course, we can reinforce it with the website that's
16 now fully operational.

17 So I think we need to beef that up based on what
18 I'm hearing.

19 BOARD CHAIR MIKE ROLF: Thank you.

20 More comments, questions?

21 MR. JIM KEATING: Jim Keating, 17493 North
22 Fruitport Road in Spring Lake.

23 Just listening to everybody I guess I'm not -- when
24 do we actually decide if we're for or against this program?
25 Is that tonight?

1 I've been on this lake for 70 years, and that alum
2 you put in 15 years ago really worked.

3 So is there an answer to whether we decide this?

4 PROJECT CONSULTANT ANTHONY GROVES: The board will
5 consider the resolution tonight to continue the project, yes.

6 MR. JIM KEATING: Okay, thanks.

7 MR. JOE PDAVIC: Joe Padavic, 17297 Coles Park
8 Road. I'm just a little confused.

9 In your graphic up there you showed that the
10 oxygenation was down to zero, and that allows the phosphorous
11 to come up, and the alum will stop that phosphorous from
12 coming up. But there is nothing that's going to bring the
13 oxygen back into that area for the fisheries then. So we
14 have a 20 to 40 -- 20 to 40 feet is pretty much dead for
15 fishing other than in the spring and the fall, am I
16 understanding that?

17 PROJECT CONSULTANT ANTHONY GROVES: That's correct.

18 MR. JOE PDAVIC: So there is nothing that can
19 bring that oxygenation back in?

20 PROJECT CONSULTANT ANTHONY GROVES: Well there is
21 ways to do that, but that would involve mixing the entire
22 water column, which would have real dire consequences.

23 So there would still be an anoxic zone in the
24 bottom, but in Spring Lake it's pretty limited to the bottom.
25 So as far as the fisheries go, I think you still have a

1 fairly viable fishery.

2 BOARD CHAIR MIKE ROLF: There is not many walleye
3 in Spring Lake. They like to lay on the bottom and there is
4 nothing for them to breathe.

5 MR. JOE PADAVIC: Okay.

6 MS. ASTRID WINGARD: Hello, I am Astrid Wingard.

7 THE REPORTER: I'm sorry, your name again?

8 MS. ASTRID WINGARD: I'm Astrid Wingard, and I live
9 at 17529 North Fruitport Road.

10 And I have a question. I'm glad the alum worked
11 for so many years. And you had indicated you anticipate
12 maybe it would work even better in the future.

13 We also live on a different lake and we're
14 considering alum. One of the concerns there were that with
15 the types of boating, that the change in boating habits, we
16 used to have ski boats and stuff like that but now a lot of
17 people have wake boats. And they feel that the churning up
18 of the bottom waters with the wake boards, that that could
19 have an effect on the phosphorous floating around in the
20 lake, and maybe the alum wouldn't be as efficacious.

21 PROJECT CONSULTANT ANTHONY GROVES: That's a good
22 question. The alum is applied in deeper water, general 15
23 feet and deeper, and that's going to be too deep for the
24 propellers even with the wake boats.

25 MS. ASTRID WINGARD: Wake boats go down 17 feet

1 and --

2 PROJECT CONSULTANT ANTHONY GROVES: Those new
3 studies are indicating that's a possibility, but the
4 magnitude of that is, I don't think that's going to be a
5 consequence with respect to the alum staying in the sediment.

6 But that's a good point. Those wake boats
7 definitely have an impact on water quality.

8 MS. ASTRID WINGARD: So you do think I'll be able
9 to go ahead and keep wakeboarding?

10 PROJECT CONSULTANT ANTHONY GROVES: You have my --

11 MS. ASTRID WINGARD: Thanks.

12 BOARD CHAIR MIKE ROLF: Anyone else?

13 MR. ERIC SANDY: Hello. Eric Sandy, 14896 Morning
14 Star Lane.

15 Anyway, number one is I appreciate you guy's work
16 and your consulting. I do think the lake has looked better.
17 And the one question I have is in the proposal I haven't seen
18 that they have looked at doing mechanical means of improving.

19 I know one of the ladies that spoke earlier that
20 that was a concern because they couldn't get the permitting
21 process through for the algae treatments as much with EGLE
22 and some of the restrictions nowadays, understanding that.
23 But I know there are permits they have to get with mechanical
24 means, but that would be an option on the lake?

25 I see also that sometimes as part of the overall

1 project we're not removing the overall biomass as we should.
2 There was another gentlemen talking about lawn services,
3 blowing the grass clippings and such back into the water.

4 So in my mind, in a way I know that theoretically I
5 know that we can spread some of the bad players, some of the
6 milfoil. The other thing is if they're already there,
7 they're already going to get moved by wind, by props, by
8 everything else.

9 But there has been some studies out there
10 suggesting that by removing some of the biomass in that type
11 of measure may be of help. And I know there are different
12 companies that contract to do it throughout the state. There
13 would be options of even potentially the Lake Board
14 purchasing used equipment.

15 There is enough -- there is enough resources within
16 all the different townships of the Lake Board, that, you
17 know, dump trucks and stuff to dispose of the harvested weeds
18 and putting them in a township park to or something let them
19 degrade over time.

20 So just a thought of the overall management scheme
21 of decreasing some of the biomass also. Just a comment.

22 BOARD CHAIR MIKE ROLF: And we have talked about
23 mechanical harvesting removal of nuisance plants.

24 Paul, do you or, Tony, have any comments on that?

25 PROJECT CONSULTANT PAUL HAUSLER: Yeah, mechanical

1 means is a very good way to remove a lot of the biomass,
2 particularly with the nuisance native plant growth.

3 It is because of the fragmentation, and you have to
4 be careful with some of the invasives that you can manage
5 those early in the season, and then later in the season, go
6 back with mechanical harvesting.

7 In the case of Spring Lake, you would need a
8 permit, I believe.

9 Is that correct, Tony?

10 PROJECT CONSULTANT ANTHONY GROVES: Actually the
11 Army Corps would require --

12 PROJECT CONSULTANT PAUL HAUSLER: Yeah, Army Corps
13 so that's a joint permit. But it is possible. We have other
14 lakes, Pentwater Lake, that's one that does that. So that's
15 certainly something we can look into.

16 The other factor would be that potentially with the
17 clarity increasing, you might see more of the rooted plant
18 growth and then harvesting might be a better option at that
19 point.

20 BOARD CHAIR MIKE ROLF: Next?

21 MR. TOM NEUSHS: Tom Neushs, good luck spelling
22 that name. I'm at 18460 West Spring Lake Road, Spring Lake.
23 And it's more of a comment.

24 There was a comment made prior that the lake
25 homeowners are assessed this charge because it's the lake

1 that we live on.

2 I live on Dunlevy Bay. And I know some of the
3 algae is still in there. But we have a runoff, I don't know
4 what you'd call it, a creek, it's not very large.

5 But the algae at the end of that bay is significant
6 to the point where you don't really even want to walk into
7 the water, shallow water. You can almost walk on the water.

8 I just think that somehow a consideration should be
9 made for areas off the lake to participate somehow in the
10 finance of this type of activity, because it's more than just
11 the lake homeowners that discharge phosphorous and don't
12 care, and most likely use phosphorous in their fertilizing
13 lawns and whatever.

14 And I just think it would be advisable if there
15 would be a way to extend the number of people that are
16 assessed for the quality of this lake. Because it's more
17 than just the lake homeowners that would benefit from this
18 lake being cleaned up.

19 And I admire the work that's been done in the last
20 20 years. More people use it, the weekenders. I don't even
21 go out on the lake because of the number of boats that are on
22 that lake.

23 So that was my point. I'd just like to see a
24 larger population supporting this activity other than just
25 lake homeowners, and those that have a slip on the lake.

1 Thank you.

2 BOARD CHAIR MIKE ROLF: Thank you.

3 BOARD MEMBER SAMANTHA VERPLANK: I just want to
4 respond to that and say I appreciate your comment, and I had
5 a similar conversation with our board at our last meeting.

6 And one of the most difficult things about being a
7 part of this board is that we represent -- Spring Lake is
8 under so many municipalities. And so it becomes very
9 challenging under the special use permit that we're to do the
10 alum treatment, that we have to deal with the village, the
11 township, Ottawa County, Muskegon County. I mean to have
12 more public participation, we've talked about that at our
13 last meeting, and it is very challenging.

14 But I appreciate that you feel the same way.

15 MR. TOM NEUSHS: Thank you.

16 BOARD CHAIR MIKE ROLF: Anymore comments?

17 All right then. Thank you everyone for your
18 comments and questions.

19 We'll close the public portion of the hearing of
20 practicability now, and consider the adoption of a resolution
21 of practicability for improvements to Spring Lake as per the
22 mailing.

23 BOARD MEMBER BRENDA MOORE: I have a question,
24 please? Can we have some discussion before we talk about the
25 resolution?

1 BOARD CHAIR MIKE ROLF: Surely.

2 BOARD MEMBER BRENDA MOORE: Unfortunately, I didn't
3 go to the last meeting, I had an emergency. And I feel like
4 we've launched into the resolution and talking about taxes.
5 And I know that I want to ask a question about a certain time
6 frame.

7 Are we being pressed, or are we in a situation we
8 have to get a tax roll out?

9 And the reason I say that, I hope I'm not losing
10 folks because I'm going all over the place, but the reason I
11 say that is early on this spring-summer we had talked about
12 other techniques, and maybe expanding our lake management
13 plan to talk about wetlands.

14 I'm in Muskegon County, Norris Creek. Most of
15 Norris Creek is in Muskegon County. And just other
16 techniques, because my concern at the time was being too
17 married to alum. Not that that's a bad technique, but are
18 there more?

19 So I feel like we haven't looked at some of that
20 stuff. But if we're pressed to keep our program, that's one
21 thing. But if we -- we got new members too. I don't feel
22 like we've talked through some of the things that we'd like
23 to do.

24 So I'm a little concerned about this resolution if
25 I'm being asked to vote on it, will that lock us into the

1 budget? Can we find other techniques that will either expand
2 or reduce the budget?

3 PROJECT CONSULTANT ANTHONY GROVES: Well you
4 weren't at the meetings, like you indicated, but I think you
5 and I were going to look at some specific techniques that
6 could be employed in the upper watershed.

7 BOARD MEMBER BRENDA MOORE: We've gone so far as to
8 identify property owners that have been willing to have --

9 PROJECT CONSULTANT ANTHONY GROVES: And so we're
10 just approving the budget to allow that to happen. So it
11 doesn't preclude any type of technique. We haven't said what
12 specific watershed projects are going to be implemented in
13 the upper watershed. So that's a collaboration waiting to
14 happen.

15 But to answer your question, the board's funding is
16 done right now. So we've got a modest budget left to wrap up
17 the year, and that's it.

18 So that's why the time frame right now is to try to
19 get this new assessment on this December's tax bill. And
20 backing up, that's why this meeting was scheduled now, and
21 the next one is scheduled for September, the hearing on the
22 roll so we can meet that deadline by the end of September to
23 get it on the December tax role.

24 BOARD MEMBER BRENDA MOORE: So we're not -- we
25 still have flexibility to discuss those --

1 PROJECT CONSULTANT ANTHONY GROVES: Oh, yeah.
2 Definitely.

3 BOARD MEMBER BRENDA MOORE: But what if budgetarily
4 we find a program, or programs, that go beyond \$10,000? Are
5 we then --

6 PROJECT CONSULTANT ANTHONY GROVES: Well yes and
7 no. Remember, that's over ten years, so you have a hundred
8 thousand dollars to work with there. We'll have some
9 contingency money to carry forward. And we also have a
10 contingency lineup that would cover such things.

11 So to answer your question, we've got more
12 flexibility than I think is evident beyond the 10,000.

13 BOARD MEMBER BRENDA MOORE: All right. I
14 appreciate your patience, because I feel like I'm plugging in
15 all of the sudden, but I don't want to let this opportunity
16 go by either.

17 PROJECT CONSULTANT ANTHONY GROVES: Sure.

18 BOARD CHAIR MIKE ROLF: Any other questions or
19 comments from the Lake Board members?

20 BOARD MEMBER JOHN NASH: I just like to thank you
21 people for coming and the civility of the audience. I think
22 it's very important, and the quality of the questions.

23 Like I said, I've been on the board for a long,
24 long time. I do think that the efforts have been very
25 positive.

1 And it's funny, when I started on the project back
2 in '92 at the property owner's association, we thought well,
3 it would be kind of nice to put a 10-foot fence all the way
4 around the lake and charge anybody that would want to come in
5 to use it. Which of course is totally impossible and
6 illegal.

7 But we all do recognize that other people benefit
8 from what this alum treatment will be doing.

9 But the other thing I think is kind of lost here,
10 the municipalities do contribute to the project also.

11 Again, thank you for coming.

12 BOARD CHAIR MIKE ROLF: Thank you, John.

13 BOARD MEMBER BRENDA MOORE: Another question,
14 please.

15 I'm sorry, I know you probably covered this, but
16 for the benefit of the audience, I know we were talking about
17 Phoslock over alum. Phoslock is another product, we were
18 talking Phoslock instead of alum, and targeted treatments of
19 alum, not the whole lake.

20 Could you maybe for the sake of me and the people
21 here discuss what came of that?

22 PROJECT CONSULTANT ANTHONY GROVES: Well Phoslock
23 is actually a product called lanthanum. And like alum, it
24 binds phosphorous and holds it to the bottom.

25 But for alum to be effective, we have to get that

1 whole anoxic portion of the lake, that whole deep water area
2 of the lake. And when I say deep water, it's the portion of
3 the lake where the water is greater than 15 feet, which is
4 about 60 percent of the lake area. You have to get all that
5 for it to do its thing, for it to be effective.

6 And we did look at lanthanum, but lanthanum is
7 twice as expensive as alum. So that's we're looking at
8 sticking with the alum product. Alum has a lot more
9 extensive track record. It's less costly. And since we're
10 doing now a second alum treatment, like I outlined in the
11 presentation, we think this treatment is going to be even
12 more effective than the last one.

13 So spot treating with alum is really not an option.
14 And alum is far less expensive than the Phoslock product when
15 we looked at a treatment of this magnitude.

16 BOARD MEMBER BRENDA MOORE: I have another
17 question. What's the residual, residual issues or problems
18 with alum?

19 PROJECT CONSULTANT ANTHONY GROVES: None. I mean
20 there is no residual toxicity issues or persistent --

21 BOARD MEMBER BRENDA MOORE: Aluminum, is it a heavy
22 metal?

23 PROJECT CONSULTANT ANTHONY GROVES: I'm sorry?

24 BOARD MEMBER BRENDA MOORE: Is aluminum a heavy
25 metal that gets bound up?

1 PROJECT CONSULTANT ANTHONY GROVES: I don't know if
2 it's characterized as a heavy metal or not, I don't believe
3 so. But aluminum is the third most common element in the
4 earth's crust. Aluminum is everywhere. So there is aluminum
5 in the sediment now.

6 BOARD MEMBER BRENDA MOORE: So is arsenic.
7 Scientifically, does alum leave any residual that
8 bio-accumulates that's of concern?

9 PROJECT CONSULTANT ANTHONY GROVES: No. In a
10 nutshell, no.

11 BOARD MEMBER BRENDA MOORE: Thank you.

12 BOARD CHAIR MIKE ROLF: Anything else from the
13 members?

14 If not, then I think it's in order to consider
15 adoption of a resolution of practicability for improvements
16 to Spring Lake.

17 Do we have a motion?

18 BOARD MEMBER ROGER BERGMAN: I'll make that motion.

19 BOARD MEMBER JOHN NASH: I so move, Mike.

20 BOARD CHAIR MIKE ROLF: All right. We have a
21 motion and we have a second.

22 We'll have a voice vote and a show of hands on
23 this.

24 ATTORNEY KYLE O'MEARA: Chair, for a resolution you
25 should do a roll call vote.

1 BOARD CHAIR MIKE ROLF: I didn't get that.

2 ATTORNEY KYLE O'MEARA: For a resolution, you
3 should do a roll call vote.

4 BOARD CHAIR MIKE ROLF: Thank you. Advice from our
5 attorney.

6 All right. A roll call vote then on adoption of
7 the resolution of practicability for improvements to Spring
8 Lake.

9 I don't have the roll here, but let's start with
10 Mr. Nash.

11 BOARD MEMBER JOHN NASH: Mr. Nash votes yes.

12 BOARD CHAIR MIKE ROLF: Mr. Bush?

13 BOARD MEMBER JOE BUSH: Yes.

14 BOARD CHAIR MIKE ROLF: Mr. Billinghamurst?

15 BOARD MEMBER DAVE BILLINGHURST: No.

16 BOARD CHAIR MIKE ROLF: Mr. Rolf votes yes.

17 BOARD MEMBER ROGER BERGMAN: Mr. Bergman votes yes.

18 BOARD MEMBER MICHELLE HAZECAMP: Michelle Hazecamp
19 votes yes.

20 BOARD MEMBER SAMANTHA VERPLANK: Samantha Verplank
21 votes yes.

22 BOARD MEMBER BRENDA MOORE: Brenda Moore votes yes.

23 PROJECT CONSULTANT ANTHONY GROVES: Michelle, I
24 didn't get what you said.

25 BOARD MEMBER MICHELLE HAZECAMP: Yes.

1 PROJECT CONSULTANT ANTHONY GROVES: Thank you.

2 BOARD CHAIR MIKE ROLF: All right. That was one
3 "Nay" and seven "Yahs." The motion carries.

4 Next item on the agenda is consideration of letters
5 of engagement from legal counsel. There will be a bond
6 issue.

7 PROJECT CONSULTANT ANTHONY GROVES: If I could just
8 expand on that a little bit.

9 A couple meetings ago I explained to the board that
10 since this project is proposed to include, and now does
11 include an alum treatment, that this would necessitate a
12 bonding process.

13 So to that end, I recommended that the board
14 consider retaining legal counsel both to assist with the
15 assessment proceedings, and that's what Kyle has worked with
16 us on; and the other was to assist with the bonding process,
17 and that's what they call bond counsel. And that's another
18 group called Dickinson Wright.

19 And we went with these firms -- or I recommended
20 these firms because both are very familiar with what we're
21 doing here. Both have history with the county, both counties
22 actually. So they were firms that were very familiar with
23 what we were doing and this type of work.

24 And we have proposals from both -- the board
25 decided we would retain them but we did, the board didn't

1 make a formal approval of their engagement letters until
2 tonight's meeting. That's why it's on tonight's agenda.

3 Both proposals are relatively modest in terms of
4 cost. And both are needed really to advance the project
5 forward at this time.

6 BOARD CHAIR MIKE ROLF: All right. Do we have the
7 actual letter of engagement?

8 PROJECT CONSULTANT ANTHONY GROVES: We do.

9 Paul, do you have --

10 PROJECT CONSULTANT PAUL HAUSLER: No, I gave them
11 to you.

12 PROJECT CONSULTANT ANTHONY GROVES: I'm sorry, I
13 have them. Hold on.

14 There is two letters, one from Fahey Schultz. So
15 if you could take one and pass it down. And the second is
16 from Dickinson Wright.

17 BOARD CHAIR MIKE ROLF: Well I can read the letter
18 into the record, if that's desirable.

19 First one is from Fahey, Schultz, Burzych, Rhodes,
20 dated August 8th. It's addressed to Mr. Joe Bush, Spring
21 Lake - Lake Board.

22 "Dear Mr. Bush, Re: Spring Lake - Lake Board.
23 Thank you for selecting Fahey, Schultz, Burzych, Rhodes,
24 PLC, to represent the Lake Board. The scope of our
25 engagement includes lake improvement board assessment

1 matters. We will do our best to provide timely legal service
2 and representation within the scope of the engagement. This
3 letter confirms the terms of our agreement to represent the
4 Spring Lake - Lake Board.

5 "You will be," this is addressed to Mr. Bush, "You
6 will be our primary contact in this engagement, and I will be
7 the primary attorney responsible for this engagement. Our
8 time and cost will be charged as described in the enclosed
9 standard terms. Although our normal hourly rates range up to
10 \$395 per hour, our rates will be capped at \$265 per hour for
11 the Spring Lake - Lake Board. In other words, you will be
12 billed at the lower of the capped rate, or the standard
13 hourly rate for any attorney. My current hourly rate is
14 \$220. Our rates and rate cap may be adjusted annually.

15 "We appreciate the confidence you have in us. We
16 look forward to working with you. If you have any questions
17 about the letter, please do not hesitate to call. If you
18 agree with the above, please return a signed copy of this
19 letter so we can officially begin to represent the Spring
20 Lake - Lake Board's interests."

21 Signed "Sincerely, Kyle A. O'Meara."

22 Then there is a place for an acknowledgment and
23 agreement to be signed by Joe Bush, Treasurer of the Spring
24 Lake - Lake Board, and dated.

25 There are standard terms of engagement attached.

1 Motion to approve the letter from Fahey, Schultz,
2 Burzych and Rhodes.

3 BOARD MEMBER BRENDA MOORE: So moved.

4 BOARD CHAIR MIKE ROLF: Was that a motion?

5 BOARD MEMBER BRENDA MOORE: So moved.

6 BOARD CHAIR MIKE ROLF: Thank you.

7 And a second?

8 BOARD MEMBER JOHN NASH: Supported.

9 BOARD CHAIR MIKE ROLF: All in favor?

10 BOARD MEMBER BRENDA MOORE: Discussion?

11 BOARD CHAIR MIKE ROLF: Discussion?

12 BOARD MEMBER BRENDA MOORE: Discussion, please. I
13 see that the fee is about \$24,000. It's not in the budget, I
14 don't see a line item that we should have attorney fees,
15 etcetera.

16 PROJECT CONSULTANT ANTHONY GROVES: The anticipated
17 cost for Fahey Schultz is around, not to exceed about \$5,000.
18 You're looking at the second agreement.

19 BOARD MEMBER BRENDA MOORE: I'm sorry. Okay.

20 PROJECT CONSULTANT ANTHONY GROVES: And the
21 Dickinson Wright agreement, same thing. And, Brenda, to that
22 point, there is money now in the budget to cover these
23 expense. We discussed that a couple meetings back. So that
24 comes out of our contingency line item for administrative and
25 legal.

1 BOARD MEMBER BRENDA MOORE: Okay.

2 PROJECT CONSULTANT ANTHONY GROVES: So there is
3 money to cover it.

4 BOARD MEMBER BRENDA MOORE: So for Fahey, that's a
5 smaller amount?

6 PROJECT CONSULTANT ANTHONY GROVES: Yeah. But the
7 same for the Dickinson Wright contract that we'll look at
8 next, there is money there to cover that, yes.

9 BOARD MEMBER MICHELLE HAZECAMP: I have a question.

10 BOARD CHAIR MIKE ROLF: Go ahead.

11 BOARD MEMBER MICHELLE HAZECAMP: Michelle Hazecamp.

12 My question is have we been -- because I'm new,
13 have we been using this law firm for a while? Or is this law
14 firm new?

15 PROJECT CONSULTANT ANTHONY GROVES: It's new to the
16 board, but, Joe, you've worked with both firms many years?

17 BOARD MEMBER JOE BUSH: Many years.

18 PROJECT CONSULTANT ANTHONY GROVES: So there is a
19 lot of history with both firms.

20 BOARD MEMBER BRENDA MOORE: I use them as well.
21 They tend to specialize in drain law, it's a big firm. But
22 I'm comfortable with them.

23 BOARD MEMBER ROGER BERGMAN: That was going to be
24 my question too.

25 I also was going to ask the question about

1 Dickinson Wright, is that someone that you've used before?

2 BOARD MEMBER JOE BUSH: The county does too.

3 BOARD MEMBER JOHN NASH: Can you speak up?

4 BOARD MEMBER ROGER BERGMAN: I was questioning
5 whether Dickinson Wright was someone that we used before.

6 BOARD MEMBER BRENDA MOORE: I kind of messed up and
7 brought them up because we were talking about the Fahey
8 letter and we should probably vote on that first. Sorry.

9 BOARD CHAIR MIKE ROLF: All right. We had a
10 motion, any further discussion?

11 We have a motion then that's been seconded to
12 approve the retainer letter from Fahey Schultz.

13 All in favor, say "Aye."

14 (All said, "Aye.")

15 BOARD CHAIR MIKE ROLF: Any opposed?

16 (No response.)

17 BOARD CHAIR MIKE ROLF: Motion carries.

18 Then we have the engagement letter from Dickinson
19 Wright, addressed to the Spring Lake - Lake Board dated July
20 14th, '23. This is from the Grand Rapids office of Dickinson
21 Wright.

22 "Ladies and Gentlemen, we are thankful for the
23 opportunity to present you with a proposal to serve as bond
24 counsel to the Spring Lake - Lake Board which is the issuer.
25 The purpose of this letter is to set forth certain matters

1 concerning the services we would perform as bond counsel in
2 connection with issuance of bonds for the purpose of funding
3 lake improvements to Spring Lake, the project.

4 "We understand the total cost of the project is
5 currently estimated to be approximately \$3,500,000. The
6 issuer plans to issue bonds in the amount of approximately
7 \$3,500,000 for the project. These are the bond or the bonds.

8 "In our capacity as bond counsel we expect to
9 perform the following services for each issue of bonds:

10 "Meet with the representatives of the issuer and
11 the issuer's consultants with respect to the proposed
12 financings.

13 "Propose legal advice as to the best method for
14 authorizing, issuing, and delivering the bond.

15 "Analyze the bond and the projects for compliance
16 with the requirements of applicable law.

17 "Prepare and review documents necessary or
18 appropriate to the authorization and issuance and delivery of
19 the bond, including, without limitation, the resolution of
20 the governing body of the issuer declaring the issuer's
21 official intent to reimburse project costs paid by the issuer
22 prior to the issuance of the bond, if necessary, the
23 resolution authorizing a notice of intent to issue bond if
24 necessary, the resolution of the governing body of the issuer
25 authorizing the issuance of the bond and the order of the

1 issuer approving the sale of the bond, and all necessary
2 closing documents and coordinating the authorization and
3 execution of such documents.

4 "Assist the issuer in seeking from other
5 governmental authorities, including without limitation the
6 Michigan Department of Treasury, such approvals, permissions
7 and exemptions as we determine are necessary or appropriate
8 in connection with the authorization, issuance and delivery
9 of the bond, except we will not be responsible for any blue
10 sky filings.

11 "Review those portions of the official statement
12 for the bonds, or other disclosure document with respect to
13 the bonds, if any, which describe the legal aspects of the
14 bonds if identified under a section entitled Bond Counsel's
15 Responsibility.

16 "Attend such meetings, conferences and bond
17 closings as may be required.

18 "Subject to the completion of proceedings to our
19 satisfaction, deliver our legal opinion, a bond opinion
20 regarding the validity and binding effect of the bond, the
21 source of payment and security for the bond, and the
22 excludability of the interest on the bond from gross income
23 for federal and Michigan income tax purposes. Our bond
24 opinion will be addressed to the issuer and will be delivered
25 by us on the date that the bond are exchanged for their

1 purchase price, the closing.

2 "Prepare a closing transcript for the bond.

3 "Our bond opinion will be based on facts and law
4 existing as of its date. In rendering our bond opinion we
5 will rely upon the certified proceedings and other
6 certifications that public officials and other persons
7 furnish to us, without undertaking to verify the same by
8 independent investigation. And we will assume continuing
9 compliance by the issuer with applicable laws relating to the
10 bond. During the course of this engagement we will rely on
11 you to provide us with complete and timely information on all
12 developments pertaining to any aspect of the bond and their
13 security.

14 "Our duties in this engagement are limited to those
15 legal services expressly set forth above, which are services
16 traditionally provided by bond counsel. As attorneys, we do
17 not represent ourselves as financial advisors or experts and
18 do not provide advice that is primarily financial in nature
19 such as advice concerning financial feasibility of the
20 project, or the financing, recommending a particular
21 structure for the bond as being financially advantageous,
22 advice estimating or comparing the relative cost and maturity
23 of the bond depending on various interest rate assumptions,
24 or advice regarding the financial aspects of pursuing a
25 competitive sales versus a negotiated sale, or analyzing the

1 financial favorability of the bond.

2 "Specifically, among other things, our duties under
3 this letter do not include handling litigation that may arise
4 with respect to the bond; services related -- relating to any
5 grant funds for the project, or to any contracts or
6 agreements related thereto; preparing requests for tax
7 rulings from the Internal Revenue Service or no action
8 letters from the Securities and Exchange Commission;
9 preparing blue sky or investment surveys with respect to the
10 bond; making an investigation or expressing any views of the
11 creditworthiness of the issuer of the bond; assisting in the
12 preparation or review of any other disclosure document with
13 respect to the bond or performing an independent
14 investigation to determine the accuracy, completeness or
15 sufficiency of any such document; advice on post-closing
16 issues, if any, e.g., our engagement does not include rebate
17 calculations for the bonds; and addressing any other manner
18 not specifically set forth above that is not required to
19 render our board opinion.

20 "Attorney-Client Relationship: Upon execution of
21 this engagement letter, the issuer will be our client and an
22 attorney-client relationship will exist between us. We
23 assume that all other parties will retain such counsel as
24 they deem necessary and appropriate to represent their
25 interests in this transaction. We further assume that all

1 other parties understand that in this transaction, we
2 represent only the issuer. We are not counsel to any other
3 party, and we are not acting as an intermediary among the
4 parties. Our services of bond counsel are limited to those
5 contracted for in this letter. The issuer's execution of
6 this engagement letter will constitute an acknowledgment of
7 those limitations. Our representation of the issuer will not
8 affect, however, our responsibility to render an objective
9 board bond opinion.

10 "Fees: We propose that our fee for the bond issues
11 shall be payable upon delivery of the bond. The fee for the
12 bond shall be an amount of \$23,750, for a bond issue with
13 proceeds of up to \$3,500,000, which includes our
14 out-of-pocket disbursements for expenses incurred in
15 performing the foregoing services. If the amount of the bond
16 proceeds exceeds \$3,500,000, the fee would be increased by
17 0.25 percent of the amount of bond proceeds in excess of
18 \$3,500,000.

19 "Our fee for services is based upon the facts and
20 expectations set forth above and we reserve the right to
21 modify our fee if such facts or expectations significantly
22 change, or if the financing experiences any significant
23 delays.

24 "If for any reason the financing represented by the
25 bond is not consummated, we will not invoice the issuer for

1 our fee hereunder, but we will expect to be reimbursed for
2 any client charges and out-of-pocket expenses we have
3 incurred, including payment of the Municipal Advisory Counsel
4 fee.

5 "In addition, if the issuer requests us to perform
6 additional services beyond those set forth in paragraphs one
7 through nine above, we propose that such work be charged at
8 hourly rates to be agreed upon by the issuer in the firm.

9 "Our representation of the issuer and the
10 attorney-client relationship created by this engagement
11 letter will be concluded upon delivery of the bond.
12 Nevertheless, subsequent to closing we will make the required
13 filing with the Michigan Department of Treasury and prepare
14 and distribute to the participants in the transaction a
15 transcript of the proceedings pertaining to the bond.

16 "This engagement letter may be signed by electronic
17 signature including, without limitation, PDF format, and
18 shall have the same legal affect as a manually executed
19 signature and physical delivery of the engagement letter.

20 "If our employment on this basis is agreeable to
21 you, please so indicate by returning this engagement letter
22 dated and signed by an authorized officer, retaining the
23 original for your files. We look forward to working with
24 you.

25 "Respectfully, Dickinson Wright, by Roger A.

1 Swets."

2 And then there is a place, accepted by the Spring
3 Lake - Lake Board, by name and title and date.

4 BOARD MEMBER ROGER BERGMAN: I make a motion to
5 accept that.

6 BOARD MEMBER BRENDA MOORE: Nice reading, you
7 didn't stumble once.

8 BOARD CHAIR MIKE ROLF: All right. We have a
9 motion then to accept the engagement letter.

10 Is there a second?

11 BOARD MEMBER JOE BUSH: Support, Ottawa.

12 BOARD CHAIR MIKE ROLF: Any discussion?

13 BOARD MEMBER BRENDA MOORE: I have my question now,
14 I'm sorry. The 23 and some change, the fee is coming out of
15 contingency?

16 PROJECT CONSULTANT ANTHONY GROVES: I'm sorry,
17 Brenda. Are you asking if --

18 BOARD MEMBER BRENDA MOORE: It's not in the budget?

19 PROJECT CONSULTANT ANTHONY GROVES: Well it's
20 actually in the new budget, but we have enough money in the
21 old budget to cover it.

22 BOARD MEMBER BRENDA MOORE: Okay.

23 PROJECT CONSULTANT ANTHONY GROVES: So either way
24 we're covered.

25 BOARD MEMBER BRENDA MOORE: And second question is,

1 Joe, does Dickinson Wright also give us a financial advisor?
2 Will we have a financial advisor as well as part of this
3 process?

4 BOARD MEMBER JOE BUSH: Not part of this.

5 PROJECT CONSULTANT ANTHONY GROVES: No. Roger
6 indicated that there may be a separate expense for a
7 financial adviser, and what the financial advisor does is
8 actually sells the bonds.

9 So Roger will set this up so they can issue them,
10 and there may be a financial advisor that this board will
11 retain.

12 And that's what we did last time, because we worked
13 with Dickinson Wright last time with the bond issue --

14 BOARD MEMBER BRENDA MOORE: If they're not a
15 financial adviser do we need to have one? I'm just going by
16 my experience. When I issue a bond, I have a financial
17 advisor at the same time as I have the legal counsel to write
18 the bond.

19 PROJECT CONSULTANT ANTHONY GROVES: Correct.

20 BOARD MEMBER BRENDA MOORE: They go in tandem.

21 PROJECT CONSULTANT ANTHONY GROVES: They do. And
22 Roger indicated that that would be the case. But I haven't
23 presented a proposal from the financial advisor yet.

24 But to your point, it's good to mention, there is a
25 third party in this, in this bonding process, or a second

1 party, Dickinson Wright and the financial advisor. That's
2 still up in the air as to who that's going to be.

3 BOARD MEMBER BRENDA MOORE: And I'm so sorry I had
4 to miss the last two meetings.

5 That's usually the same amount as their -- so we're
6 probably doubling the amount. Do we have that much in
7 contingency?

8 PROJECT CONSULTANT ANTHONY GROVES: We do.

9 BOARD MEMBER BRENDA MOORE: Okay. I just need to
10 know this for me to say, okay.

11 PROJECT CONSULTANT ANTHONY GROVES: Sure.

12 BOARD MEMBER BRENDA MOORE: Thank you.

13 BOARD CHAIR MIKE ROLF: Any other comments or
14 questions?

15 All right. We have a motion and a second to
16 approve the engagement letter for Dickinson Wright, PLLC.

17 All in favor?

18 (All said, "Aye.")

19 BOARD CHAIR MIKE ROLF: Any opposed?

20 (No response.)

21 BOARD CHAIR MIKE ROLF: That motion carries.

22 One last item required by the Open Meetings Act, we
23 open the floor again for general public comment.

24 MS. ANN SMITH: Ann Smith, 17520 Williams Street,
25 Spring Lake.

1 I just find this very interesting that you are able
2 to commit this amount of money from tax payers without
3 bidding any of this, and using the same contractor for over a
4 20-year period. Not even getting bids for legal, for the
5 stuff you've just approved. I just don't understand how
6 that's even feasible. That's not how non-profits work.

7 How is it that you are able do this and not go out
8 and get bids from competing to see if you're giving us the
9 best value and the best -- you're using the same exact
10 company that you have used for over 20 years. Not even
11 taking into account other companies who do this kind of work
12 and who have more scientific background than what the current
13 company you're using.

14 I just don't understand this process. Can somebody
15 explain it? And why it doesn't go out for bid like other
16 lake boards do in this state?

17 Why is it that you use the same people over and
18 over?

19 BOARD CHAIR MIKE ROLF: Well because they've done
20 an excellent job. There is no requirement that it go out for
21 public bids. We're well satisfied with Progressive.

22 We've done an alum treatment before, and we've got
23 a difficult problem with Spring Lake.

24 But thank you for your comments.

25 MS. ANN SMITH: What do you mean there is no

1 requirement?

2 BOARD MEMBER BRENDA MOORE: May I speak to this
3 from my perspective?

4 I know it's difficult to think, but there is
5 something to be said about not changing (inaudible).

6 THE REPORTER: I'm sorry, can you speak up?

7 BOARD MEMBER BRENDA MOORE: When you have a
8 consultant who has the history and the science, and they've
9 done the mapping and they've got all the data, they have done
10 the analysis, they have a certain historic perspective, and I
11 feel an advantage when they've been through the whole thing
12 for us.

13 Their fees aren't much different from others. I'm
14 on the Bear Lake - Lake Board as well, and the fees for the
15 consulting and the water quality testing, they're a fraction
16 of what that is.

17 And also there -- the methodology of the
18 information that we get, how we map that is pretty consistent
19 among lake boards.

20 So if there were something fundamentally different,
21 or a game changer, I would be the first one to say, we need
22 to mix it up and look at new blood. But if you do that at
23 this juncture, with the history we have with this firm,
24 you're getting green people coming in and trying to figure
25 out and get data, and you're going to pay more for them to

1 get the baseline data and figure things out.

2 It seems it is not a good thing. And I'm not
3 defending it, I just -- well I guess I am.

4 MS. ANN SMITH: Yeah, you are. And having worked
5 in research my entire career, you go back and everybody goes
6 out for bid. And if they're the best company and they -- and
7 the data is all available --

8 BOARD MEMBER BRENDA MOORE: It doesn't include a --

9 MS. ANN SMITH: What I'm just saying is you're not
10 looking at what other opportunities are, and just instead of
11 using an alum treatment, what about restoring the lake and
12 using more natural solutions versus dumping chemicals into
13 the lake.

14 BOARD MEMBER SAMANTHA VERPLANK: And at our
15 previous meetings we've had, that's one of the things we have
16 been talking about. Since I've joined the Lake Board we have
17 talked about options such as getting special interest groups
18 to buy agricultural farms as noted earlier.

19 We are -- there are meetings we do talk about a lot
20 of different things. Right now we are trying to preserve the
21 quality of the lake and hopefully enhance the lake and get
22 the alum treatment back on again.

23 MS. ANN SMITH: Where we're at, the quality of the
24 lake has goes down. We've owned since 2009, and the quality
25 of the lake has gone down where we're at. We're on the other

1 side of the Gables. And we do not see that what is currently
2 happening is being successful, which is why many of us are
3 saying, why are we continuing to use the same group and not
4 bringing in new people to take a look at it.

5 It's a lot of money that you just -- I've gone from
6 -- the first ten years it was \$950 for my lot over a ten-year
7 period. What you're talking for my next ten years is 3,000,
8 that's a huge increase.

9 BOARD MEMBER BRENDA MOORE: We haven't decided how
10 we're going to divvy this up, so I don't think we can speak
11 to that. That's another meeting.

12 MS. ANN SMITH: So the proposed fees aren't what's
13 going to go?

14 MS. BRENDA MOORE: I'm sorry?

15 MS. ANN SMITH: The proposed schedule of fees
16 aren't what's going to go?

17 BOARD MEMBER BRENDA MOORE: I don't know what we're
18 going to do with that. That's not what this public hearing
19 is about.

20 That's the next one, right?

21 In terms of -- I'm a biology major, and I always
22 cringe when people say, in front of my house it doesn't look
23 bad, and I understand that, that's your interest. But the
24 lake is not a bathtub.

25 MS. ANN SMITH: I understand that.

1 BOARD MEMBER BRENDA MOORE: It is a very --

2 MS. ANN SMITH: I understand that.

3 BOARD MEMBER BRENDA MOORE: But people want instant
4 gratification. And it's tough because you pay a lot and you
5 already pay a lot on taxes. But this is a dynamic system, an
6 eco system --

7 MS. ANN SMITH: I understand all that.

8 BOARD MEMBER BRENDA MOORE: -- and a sub-eco
9 systems. And you tweak one thing and you --

10 MS. ANN SMITH: That's why you get different
11 researchers in. That's why things go out for bid.

12 BOARD MEMBER: Not everyone --

13 MS. ANN SMITH: -- required --

14 (Overspeak.)

15 THE REPORTER: I'm not making a record when two
16 people are talking at once. I just want you to know.

17 MS. ANN SMITH: That's fine.

18 I'm just saying I don't understand why you're not
19 required to go out for bid. If they're the best company,
20 then they can win the bid.

21 But you should have competition to see what's the
22 best and to take a look at what others might be able to bring
23 into the situation, instead of just always staying with the
24 same one.

25 You learn from new technology, new people.

1 BOARD MEMBER SAMANTHA VERPLANK: I just want to say
2 that I really appreciate your enthusiasm because it's nice to
3 have people that are interested in preserving our lake.

4 So, again, like what Mike said earlier, it's
5 awesome the people that do come out because hopefully in the
6 future, we can find some really -- some great alternatives to
7 preserving the lake.

8 BOARD CHAIR MIKE ROLF: Next?

9 MR. MIKE WEAVERS: Mike Weavers, 637 Lake.

10 A couple things, I am glad you're moving forward
11 with the treatment. It's smart money.

12 Let's be very honest here. The biggest benefactors
13 are the homeowners on Spring Lake, or the property owners and
14 especially homeowners. Because I've lived here all my life
15 and I know a green lake. I know a blue lake. And I know
16 different colored lakes. A green lake is going to drop your
17 values of property 30 percent, maybe 50, so it's money well
18 spent.

19 Now allocation of how that cost comes, I don't know
20 this benefit, we're not here to discuss that tonight, but
21 when you allocated benefit, and you add the value of the real
22 estate, the size of the real estate, and the benefit to each
23 piece of property, there are multimillion dollar properties
24 that are paying just 600 of my 300.

25 That's a heck of a large amount for the value of

1 what their properties are. If they say it's worth 3 million,
2 and I say it's worth 2 million, I won't be too far off. I
3 was a realtor for 30 years.

4 So I'd like to know how you came up more with the
5 definition of benefit because I think it's a bit skewed,
6 that's one.

7 I guess that's really it. What you're doing is a
8 smart move. I have no problems with who you have employed,
9 who you brought on. It seems to be working.

10 There is a lot of things happening in that lake,
11 and obviously you do have a lot of feeds coming in. But
12 property owners are probably one of the major feeds
13 historically of the phosphorous that's been brought into the
14 lake.

15 If it's coming from somewhere, it's going to be a
16 property owner generally along the lake. And the ones with
17 the biggest yards and the biggest agricultural and the
18 biggest golf courses, they're probably the ones that put the
19 most in together in my opinion.

20 BOARD CHAIR MIKE ROLF: That's a very interesting
21 thing. I was surprised to learn that the last few years the
22 biggest contributor to the phosphorous in the lake in the
23 summertime is the lake bottom sediments.

24 When they go anaerobic, when there is no oxygen
25 down there, the phosphorous becomes unbound, I guess from

1 other molecules that otherwise tie it up. Not from the alum,
2 but today there are some statistics showing the greatest
3 contribution of phosphorous to the lake is the lake bottom
4 sediments itself.

5 So we're hopeful that this alum treatment will lock
6 up more and more.

7 MR. MIKE WEAVERS: It's a historical problem. I
8 can relate going green in the '70s and '80s. Not very often,
9 but I can remember distinctly seeing in my boat that it was
10 green.

11 So you've done a great job, I want to complement
12 you on that.

13 Allocation, I think that needs to be looked at very
14 seriously. I'd like to know where that came from, is it
15 being done everywhere the same way, and would it pass legal
16 muster if someone challenges it.

17 BOARD CHAIR MIKE ROLF: We are going to have a
18 hearing on assessments.

19 MR. MIKE WEAVERS: I'm just saying, if they went
20 before a judge, and you said that is how we're allocating
21 benefit, I'm curious if it would pass muster. So I'm just
22 throwing that out to you to consider.

23 BOARD CHAIR MIKE ROLF: We might have, for
24 instance, some of the issues, you might have a hundred
25 million dollar property on Spring Lake, nobody lives there,

1 maybe they spend all their time in Florida, versus a
2 75-foot --

3 MR. MIKE WEAVERS: But there is no hundred million
4 dollar properties on Spring Lake.

5 BOARD CHAIR MIKE ROLF: Well I exaggerate to make a
6 point, but you might have a 75-foot lot where people are on
7 the lake all winter ice fishing, they're ice boating, they're
8 out there all summer, their relatives are all out there.

9 The assessment and determination of benefit per lot
10 is difficult.

11 But I appreciate your input though.

12 MR. MIKE WEAVERS: If your value is going to go
13 down 30 percent if you don't do it, I think that's a pretty
14 good place to look. And if anyone wants to argue, that's
15 fine. But I think as property owners, let's make sure we're
16 advocating as property owners. I think you're off on these
17 benefits.

18 Thank you very much.

19 BOARD CHAIR MIKE ROLF: Thank you.

20 MR. STEVE HORNER: Steve Warner, 15490 Linn Court.

21 I've been on Pettys Bayou for 31 years now, and the
22 lake is a thousand times better than it was when I was buying
23 Aqua Clean and trying to clear my own. And I appreciate it.

24 And I think tonight was a fine example of why you
25 stick with the same consultant because of the history, and

1 his knowledge came out tonight to me, just a homeowner being
2 here, and I wished the lady wouldn't have left, but I'm very
3 familiar with non-profits. And non-profits have lost a lot
4 of bidders to bid fatigue. Every time you got to go out and
5 get three bids, these guys only bid so often, and they just
6 say, go away, I'm not wasting my time anymore.

7 So you can bid yourself right out of the best
8 contractors. I just wanted to say it was an education
9 listening.

10 BOARD CHAIR MIKE ROLF: Well very excellent. Thank
11 you so much.

12 MR. DAVE PLOOSTER: Dave Plooster, 17309 Coles
13 Park.

14 I agree with what you said. I'm involved in a lot
15 in bidding processes, and I know Progressive does a very good
16 job, and the proof was that the lake has improved. So we
17 appreciate that.

18 Mine is maybe a more simple question, I think you
19 said it was open to all questions, I want to ask the
20 question. I get answers a lot where on the lake the no wake
21 areas seem to be getting bigger and bigger and bigger. My
22 question is a lot of the answers are, I don't know where they
23 come from, but when the water goes down, we'll put them back
24 to where they were.

25 Is there any -- can you tell me at all how that

1 works?

2 BOARD CHAIR MIKE ROLF: On speed limits and no
3 wake?

4 MR. DAVE PLOOSTER: No wake, yes. It just grows
5 and grows. And it won't be long and the whole lake will be
6 no wake.

7 And sometimes if you open the lake up to bigger, to
8 some of the sports that are going on, it actually dissipates,
9 then a lot of speed and a lot of wakeboard in a concentrated
10 area. And it's just a thought.

11 But I really appreciate you all being on the board,
12 you're probably all overpaid. I mean that's --

13 BOARD CHAIR MIKE ROLF: Can someone respond to
14 that?

15 BOARD MEMBER ROGER BERGMAN: The overpaid part?

16 BOARD CHAIR MIKE ROLF: No, the speed limits and no
17 wake zones. I know it's not within our jurisdiction.

18 BOARD MEMBER JOHN NASH: We have no legal say or
19 capability. We never have.

20 PROJECT CONSULTANT ANTHONY GROVES: That's under
21 the Marine Safety Act. And those are rules established by
22 the DNR. Those are all posted. So if you want to know the
23 details, but that's not the Lake Board.

24 MR. MARK BLONDIN: I'm Mark Blondin, 17728 170th.
25 I think the treatments have gone well. I've been

1 on the water now 28 years, seen the changes, I think it's
2 gone immensely well.

3 One question, what is the percentage of up we're
4 getting on the tax rate from what we've been paying over
5 these years, do you know?

6 PROJECT CONSULTANT ANTHONY GROVES: It's going to
7 go --

8 MR. MARK BLONDIN: You're showing \$600, what have
9 we been paying per year?

10 PROJECT CONSULTANT ANTHONY GROVES: It's varied.
11 This program has been continued in increments. It was a five
12 year, then a ten year, then a four year, then it went to a
13 three year.

14 Now because we're doing another alum treatment,
15 we're going back to a ten year. It's been as high as 200, as
16 low as 115, I believe.

17 MR. MARK BLONDIN: I remember it when it was 150.
18 I'm not complaining, I'm just curious how much additional,
19 say mine is 600, is that 300 more than I paid last year?

20 PROJECT CONSULTANT ANTHONY GROVES: That's going to
21 be about maybe 450 more than you paid last year.

22 But that was just a three-year program, kind of an
23 interim program that we implemented while we were studying
24 the alum and looking at a larger-scale program.

25 But to answer your question, yeah.

1 MR. MARK BLONDIN: Now when anybody sells their
2 home, that applies at that time to the new owner?

3 PROJECT CONSULTANT ANTHONY GROVES: Often times the
4 lending institution will want that paid off at that time.
5 But the assessment is against the property, so it runs with
6 the property.

7 MR. MARK BLONDIN: Thank you. And again it has
8 worked well. I'm in Smith's Bayou, a lot of stagnant water
9 at different times. And before this process started, we put
10 a boat up against a dock, fired up the motor, and let it go
11 just to push stuff away. And we haven't had to do that, I
12 can't tell you when, in a long time.

13 PROJECT CONSULTANT ANTHONY GROVES: Good.

14 BOARD CHAIR MIKE ROLF: Any other comments,
15 questions?

16 All right, then. We will close the general public
17 comment.

18 And is there a motion to adjourn?

19 BOARD MEMBER SAMANTHA VERPLANK: Motion to adjourn.

20 BOARD CHAIR MIKE ROLF: Is there a second?

21 BOARD MEMBER ROGER BERGMAN: I'll second it.

22 BOARD CHAIR MIKE ROLF: All in favor?

23 (All said, "Aye.")

24 BOARD CHAIR MIKE ROLF: Any opposed?

25 (No response.)

1 BOARD CHAIR MIKE ROLF: All right. Thank you,
2 everyone, for coming.

3 Thank you, Lake Board members.

4 (Hearing adjourned at 8:25 p.m.)

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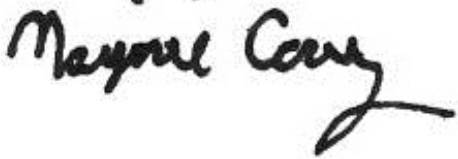
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I certify that this transcript, consisting of 80 pages, is a complete, true, and correct record of the hearing, to the best of my ability, on August 14, 2023.

DATE: August 19, 2023



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