

September 23, 2024, Public Hearing for Robinson Lake SAD Minutes

The Public Hearing of the Sherman Township Board was held on Monday, September 23, 2024, at 7:00 pm, in the meeting room of the township hall. The meeting was called to order by Supervisor-Smalligan at 7:00pm. After the pledge of allegiance, roll call was made and members present were Karen Berens, Doug Berens, Stan Stroven, Ken Smalligan and Jamie Kukal.

For public comment on any non-agenda item, there was none.

Supervisor-Smalligan introduced Kyle O'Meara as the Township legal representation to explain the purpose of the public hearing as to re-establish a special assessment for 2025 Robinson Lake Weed Control with the per unit cost, updated assessment roll, and perpetual existence. In the publication there was an error on the per parcel cost and the corrected amount would be \$215.52 per parcel resulting in \$1293.12 for the Shacks 6 parcels. With the acceptance of the proposed SAD resolution, it would be perpetual with rate determined yearly at the Township budget hearing unless the projected rate was to increase more than 10%, which would require a mailing notice and additional hearing. A motion was made by S Stroven and 2nd by D Berens to open the public hearing. All approved, motion passed.

Motion was made by S Stroven and 2nd by K Berens to approve the minutes from the August 27, 2024, Public Hearing as presented. All Approved, motion passed.

For public comment related to the topic.

- Betty Brown said she has one lot in the treatment area and 6 more not in the treatment area and was wondering if consideration for those lot will be made like it had been in the past.
 - Mr. O'Meara responded, not as this time due to the time restrictions and cost to reevaluate each parcel.
- Gary Fetterly commented that Mrs. Brown's property was one of the unbuildable parcels in the previous SAD. Gary claims that the lake is showing signs of herbal overkill, and we need to suspend the treatment for two years and reconsider best options for the health of the lake moving forward but continue to collect the SAD. Gary also wanted to know why the DNR is not being assessed the SAD due to the public access.
- Bob Walter expressed that he is a prim example of the side effects Agent Orange, due to exposure through farming, and he encouraged the board to consider the effects of herbal exposure and the dangers.
 - Daniel Peters reminded everyone that it has been ten years since 2, 4-D has been used in treatment of the lake.
- Emily Corley commented that the SAD, with the different assessment values according to lake frontage was more equitable that the proposed flat rate assessment. She is also concerned that the spring cleanup that was supposed to be a part of the original SAD is not happening anymore.
 - Mr. O'Meara responded that dozens of lakes use a mixture of assessment methodology and for this situation, given the time constraints and the cost of reevaluation was not equitable at this time, however, may be an option in the future, if the board so chooses to move that direction. The SAD project is approved by the board however, the management of the lake is determined by the committee.

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- Doug Fouser, representative for Grace adventures/The Shack, brought it to the board's attention that they had agreed to pay for 6 parcels, however they are represented on the assessment roll 7 times.
 - Supervisor-Smalligan responded that yes 6 was the agreed upon amount and the board would take the hit on the adjustment of the rates for that mistake, because he did not want to incur any further cost increase to the other residence.
 - Mr. O'Meara confirmed that an amendment to the assessment roll would be acceptable and allow for the resolution to move forward if approved with the amendment.
- Mike Pieri commented that with the proposed SAD he currently has no waterfront access on 3 parcels, and he would be paying 6 times the average resident, so why is the Shack not paying for 40 times with their amount of lake frontage?
 - Mr. O'Meara reiterated the restrictions on this situation and the cost of reevaluating the properties with an independent engineering contractor. He also pointed out that the Shack historically was only assessed for two parcels and have generously agreed to increase to the 6.
- Dale Twing, the County Drain Commissioner, commented that the DNR can be assessed for lake levels but are exempt from weed control SADs.
- Tammy Gillette asked why the assessment roll was changed with an increase to most residence instead of just renewing the existing SAD.
 - Supervisor-Smalligan responded, due to the previous SAD expiring and the time constraints on the board to get a renewal on the L-4029 that is due September 30th, he made the executive decision to make the changes to the assessment roll.
- Bruce Packard expressed his concerns with the way it is being assessed and feels it should be reevaluated.
- Jessica Pieri commented on their 3 parcels that two were back lots and 1 was creek lots on the previous roll and they will now be paying over \$600 for those three, were the Shack is only paying \$1,200 is not fair.
- Nancy Striker, spoke for her daughter Tina Striker, who has 2 parcels on bare land that would no be assessed and asked who that was decided.
 - Supervisor-Smalligan reiterated his reasoning due to time constraints and that all deeded access to the lake will be assessed due to the benefit of the access to the lake whether it has a dwelling or not.
- Jack Grasman commented that he has one front lot and two back lots, and they should not be assessed the same. He questioned if the 2014 renewed by resolution for 10 years why is this one proposed as perpetual.
 - Supervisor-Smalligan responded that the Robinson Lake Weed Committee has Robinson Lake's best interest at heart and this was the recommendation for the assessment and reminded him that the rate will be considered yearly.
- Steve McQueen commented that he assumes that anyone with more than six lots will only be assessed at the six lots just like the Shack is. He also asked what would happen if the shack put more docks in and if he had the right to refuse treatment in front of their house?
 - Supervisor-Smalligan responded that the Shack only has two large parcels and have historically only been assessed for two parcels and have graciously agreed to

pay for the assessment of six parcels with this proposed SAD. He reminded everyone that the assessment was not based on the number of docks but rather the number of deeded access parcels. Yes, and individual may refuse treatment however it is a continuous body of water and there is no way to confine the treatment to a restricted area to his knowledge.

- Jim Shull commented that he is at the end of the creek channel and the treatment is not applied to the area closest to the creek dam and the channel is getting narrower each year, what can be done about that? He was directed to contact the Drain Commissioner about that.
- Tim Davis commented that it is his understanding that if a permit is obtained for an evasive species the whole lake must be treated and no individual refusals are allowed.
 - Casey Shauff, the PLM representative confirmed that all evasive must be treated.
- Betty Chenard commented that everyone must rake the dead debris not just those on the creek.
- Mike Sovinski asked if there was a new map that outlined the new assessment district roll. He would like to see this renewed and then revisited for the following year.
 - Supervisor-Smalligan provided the map to view.
- Dan Sovinski asked if the proposed rate would be in addition to the existing rate or in place of?
 - Supervisor-Smalligan confirmed that it would show up on the winter tax in place of the previous rate.
- Jeanne Walter commented that they have three deeded lots and only one point of access and they should not pay the same for all lots. She also said there are more natural options for treating the weeds to consider.
- Dorothy Ruelofs commented that she lives across from the Shack and all the boats floating in front of the Shack and by the cold springs are not Shack occupants or guests, but rather other residents or public access users.
- Tammy Gillette inquired about trying to obtain a grant for funding assistance to maintain the lake.
 - Dale Twing commented that he currently sits on six lake improvement boards and have never received any grant funding that was applied for.
 - Mr. O'Meara commented that the board would consider a private individual apply for a grant but reiterated that very few are ever awarded.
- Marce Hansen asked why it expired and why not just renew the existing SAD?
 - Supervisor-Smalligan reiterated, due to the previous SAD's expiration date being overlooked until recently and the time constraints on the board to get a renewal on the L-4029 that is due September 30th, he made the executive decision to make the changes to the assessment roll.
- Casey Shauff, the PLM representative encourage the board not to cancel treatment, due to the speed at which evasive species duplicate and the damage it would cause to the health of the lake.
- Martin Vanderwall thinks it is terrible that the Shack will be paying so little.
- Mike Pieri asked again who came to the decision of a flat rate.

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- Greg Braspenninx commented take we could all continue to debate the issue, but who is who is going to act?
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A motion was made by D Berens and 2nd by S Stroven to close the public hearing. All approved, motion passed.

For board deliberations.

- K Smalligan commented that the SAD needs to continue and if this is allowed to expire it would cost twice as much to reestablish.
- S Stroven asked if it is possible to revisit the formula for the assessment role next year? He feels it needs to continue for the health of the lake but is concerned with the formula as it stands.
- K Berens agrees with Stroven to approve as is and revisit the formula for future.
- D Bernes agrees to approve and revisit in the future.
- J Kukal does not agree with the changes to the assessment role from the previous SAD and would be willing to let the SAD laps.
 - Mr. O'Meara reminded the board that if the SAD is dissolved the existing funds would be refunded back to the property owners.
 - The advisory committee would need a base funding of \$20,000 to not operate in the red next year.

Supervisor-Smalligan read Resolution No.2024-8 for consideration with an amendment to the assessment roll. Motion was made by S Stroven and 2nd by D Berens to accept the Resolution with the Special Assessment roll resolution as amended by the township attorney. Roll call vote was taken. Yes: K Berens, D Berens, S Stroven, K Smalligan No: J Kukal Motion was made for the Robinson Lake Special Assessment, under the 2024 approved Special Assessment Roll, I move to assess properties at \$200 per unit of the \$215.52 per unit cap. Roll call vote was taken. Yes: K Berens, D Berens, S Stroven, K Smalligan, and J Kukal No: None

Meeting Adjourned at 8:54 pm.

Presented by: Jamie Kukal, Clerk

Visitors present: See Exhibit A

