

**MUSKELLUNGE LAKE**  
**LAKE IMPROVEMENT BOARD**  
**HEARING OF PRACTICABILITY**

**August 4, 2012**

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A special meeting of the Muskellunge Lake, Lake Improvement Board was held in the Maple Valley Complex, 239 First Street, Trufant, Michigan on the 4<sup>th</sup> day of August, 2012 at 10:00 a.m.

The hearing was called to order by Chairman Thebo.

PRESENT: Greg Thebo, Chairman  
Maple Valley Township Representative

Sandy Raines, Secretary/Treasurer  
Montcalm County Deputy Drain Commissioner

Tom Porter, Member  
Montcalm County Board of Commissioners

Harvey Stark, Member  
Abutting Property Owners' Representative

Bob Pickel, Member  
Maple Valley Township Representative

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

Thebo introduced the lake board members and Tony.

A motion was made by Pickel and seconded by Stark to accept the minutes of the April 17, 2012 meeting as presented. Motion carried.

Chairman Thebo turned the meeting over to Tony who gave an overview of the treatment program being proposed for the five-year program. The plan for the next five years will be to control exotics with the main focus being Eurasian Milfoil. Native plants are only treated when their growth becomes a nuisance. He reported that the board was able to reduce the budget for the new program and roll back the assessment because of the carryover from the last program. Tony further explained the format and purpose of today's meeting and the procedure of conducting the two hearings.

Chairman Thebo opened the meeting up to the public for questions and comments.  
Doug Hills: What kind of progress has there been?

Tony: There has been a great improvement; weed growth is about half of what it was when the program was started. They were able to reduce the budget and still keep control of the growth.

Carol: Asked for an approximate number of acres of milfoil.

Tony: The first treatment was for 2 acres of milfoil and another 8 acres of curlyleaf pondweed and milfoil. The July treatment was 5 acres of algae and milfoil and another area of 5 acres of heavy algae. Some milfoil is sneaking back in so another treatment may be needed yet this summer. He plans to do a lake survey again on Monday to see what else is out there. It would not be good for the lake to remove all vegetation just mainly need to get control over the exotics.

Carol: What is on the North end of the lake?

Tony: Milfoil, algae, and some curlyleaf pondweed. The curlyleaf is pretty much under control now.

Carol: If everyone wanted not continue the lake board, what would have to be done?

Tony: If there was broad support to not continue the lake board, people should be at the public hearing to express those wishes. The new Dissolution provision in the statute says that a petition signed by 2/3 of the abutting property owners, just like when the board was created, would need to be presented to the Township Board. Also the reason for creating the lake board would have to no longer exist. The board could decide to go inactive and no longer support a weed program or put an assessment on the tax roll.

Carol: Can you give us an idea of what the expenditures are for this year?

Tony: The cost for treatment this year is just over \$5000. We may need another treatment yet this year, but we will still be well within the budget.

Carol: Was there a surplus last year?

Greg: There was excess in the budget last year and that excess is being used to roll back the assessment roll for the next five years. The board has been able to reduce the assessment amount but still keep some funds in reserve for bad years when we need to be more aggressive or an additional treatment might be necessary.

Carol: The lake association has been concerned about the North cove area. We asked the lake board to address that in this next five-year program. They have been quite adamant about doing something to improve that area.

Greg: The lake board can treat the weeds in the cove but has not authority to dredge out the sediment buildup. The board would have to present a separate petition to the township board for a dredge project.

Tony: The board did ask him to take a look at the cove. He did a cursory evaluation. It appears there is about a two acre area that would need to be dredged. If just one acre was dredged down 3 feet it would cost about \$100,000 per acre to dispose of the sediment. The project is pretty much cost prohibited.

Jim Brandt: He realizes property owners need to do some of their own cleanout, but would a bit of harvesting in the cove help alleviate the problem?

Harvey: When he went on the lake survey, he and Tony discussed a 100% weed control to see if it would help in that area. The board will look into that course of action.

Jim Brandt: Each year the weeds die off and just add to the problem of sediment buildup

Tony: Harvesting could be done if the machines can get in there. The water is very shallow and a machine with no weeds on board needs at least 18 inches to 2 feet of water. He will look at the area again and see if a more aggressive approach can be used.

Helen Sprite: She did not get a notice or a posting when the lake was treated.

Tony: The notice was mailed and postings are done only within 100 feet of the treatment area.

Carol: She didn't think the second treatment was posted as densely as the first time.

Tony: A second treatment area was smaller than the first. He will talk to the contractor about doing a more thorough posting.

Jim: He saw notices blowing all over people's yards and the posting were done on the lake side of trees so they weren't visible from the home.

Jack Freyling: Was the scope of the project or the purpose of the board clarified this year?

Greg: The title was changed from weed control program to nuisance aquatic plant control. There has to be a balance between having no weeds and having too many weeds. The board's goal is to find the medium ground between too many weeds and no weeds.

Greg: Two letters were received prior to the hearing against the program. The letters were read aloud.

A motion was made by Pickel and seconded by Porter to make the letters a part of the minutes. Motion carried.

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

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

**RESOLUTION TO PROCEED WITH  
IMPROVEMENTS TO MUSKELLUNGE LAKE**

At a special meeting of the Muskellunge Lake, Lake Improvement Board held in the Maple Valley Complex, 239 First Street, Trufant, Michigan, on the 4<sup>th</sup> day of August 2012, at 10:00 a.m.

PRESENT: Thebo, Raines, Pickle, Stark, Porter

ABSENT:

The following resolution was offered by member Pickel and seconded by member Stark

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

ADOPTED:           AYES:       5  
                      NAYS:       0

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN    }  
                                  } ss  
COUNTY OF MONTCALM }

I, Donald E. Cooper, Secretary/Treasurer of said Muskellunge Lake, Lake Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the Lake Board at a meeting held on the 4<sup>th</sup> day of August 2012. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 4<sup>th</sup> day of August 2012.

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

## EXHIBIT A

### MUSKELLUNGE LAKE IMPROVEMENT PROGRAM PROPOSED ANNUAL BUDGET 2013 - 2017

IMPROVEMENT	Annual Cost
Aquatic Plant Control (Herbicide Treatments & Mechanical Harvesting)	\$14,000
Plant Control Coordination/Field Evaluations/Information Dissemination	\$ 7,000
Administration and Contingency	<u>\$ 2,100</u>
Total Annual Budget	\$23,100
Less Budget Carryover	<u>\$ 2,000</u>
Total Annual Assessment	\$21,100

Existing surplus funds from the current project in the amount of \$10,000 are proposed to be carried forward to reduce the annual assessment amount by \$2,000 to \$21,100.

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

Plant control activities are proposed to be coordinated under the direction of the lake board's consultant. The consultant would be responsible for preparing bid documents and/or contract extensions for the plant control program, assisting the lake board with the selection of the plant control contractors, conducting surveys of the lake to determine the scope of work to be performed by plant control contractors, and performing follow-up inspections to ensure work is performed in a satisfactory manner. The consultant would report to the lake board regarding the performance of the plant control contractors and would make recommendations to the lake board regarding payment to the contractors.

The program would include an annual newsletter mailed to all property owners in the special assessment district. The newsletter would include an update of project activities and other pertinent news.

Project administration would include costs related to legal notices and hearing proceedings, postage, copies, mailings, and meetings. In accordance with Part 309 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, a lake board may add not less than 10% or more than 15% of the total project cost for contingent expenses.

## REVIEW OF APPORTIONMENTS

The Chairman called the Hearing of Apportionments to order.

The public was given a handout with the apportionment factors and estimated amount to be spread on the tax roll.

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

Mike Russell: He is the president of Break-a way corporation which is a seasonal campground. He is wondering why he is charged such a high rate.

Greg: The site is assessed .5 per trailer. The board looked at each situation and tried to determine the most fair and equitable way to access. All units benefit from the program so the board felt a .5 per unit was fair.

? Someone from Break-a way: The trailers at the camp are not dwellings. There are 10 sites and they are not occupied year-around; only 3 or 4 months. It's a campground by county and state guidelines.

Greg: Other people on the lake are also only seasonal and the campground is being treated the same as the other areas.

Carol: Are there any lake boards that receive funds from the township or county to help with assessments?

Sandy: Townline Lake gets an at large amount from Cato and Belvidere Townships. . The townships have voluntarily agreed to pay some because of the public access to the lake. The county pays on public parks.

Carol: This is a public lake and a lot of people from within the township do use the lake.

Bob Pickel: He talked to some of the conservation clubs and the state representative's office about legislation that was drafted but never passed. Because property owners have no way of controlling who uses the lake, they should get a tax deduction for the assessment for the weed control program.

Reviewed:

Parcel 013-700-007-00 Mildred Johnson, parcel has been Quit Claimed to the owners of lots in Waldema Hill & Shore Lots. Leave as a 0 factor.

Parcel 013-360-037-01 Rebecca Barrett, all 3 lots are on one parcel number. There are two dwellings so leave as a factor 2

Parcel 013-630-016-01 John & Dorothy Amberger, lots 16 & 17 are contiguous. Both lots are on the roll with a .5 factor for back lot. Change parcel's factor to 0.

Parcel 013-420-016-00 Arlene Christensen, lots 16 & 17 are contiguous. Both lots are on the roll with a 0 factor. Change one lot to a factor .5 for a back lot.

Corrections to Special Assessment Roll:

Parcel #: 013-630-016-01                      From: .5                      To: 0    Contiguous

Parcel #: 013-420-016-00                      From: 0                      To: .5

There being no further questions or comments from the public, the Review of Apportionments was closed by motion of Stark and seconded by Porter. Motion carried.

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

There being no further business to come before the Lake Board, a motion was made by Porter and seconded by Stark to adjourn the meeting. Motion carried.

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

Dated: August 4, 2012

State of Michigan     }  
                                  } ss.  
County of Montcalm   }

I hereby certify that the foregoing is a true and complete copy of the minutes of a meeting of the Muskellunge Lake, Lake Improvement Board, Montcalm County, Michigan held on August 4, 2012, and that said minutes are on file in the office of the Montcalm County Drain Commissioner and are available to the public.

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

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Donald E. Cooper  
Montcalm County Drain Commissioner

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

At a special meeting of the Muskellunge Lake, Lake Improvement Board held in the Maple Valley Complex, 239 First Street, Trufant, Michigan, on the 4<sup>th</sup> day of August 2012, at 10:00 a.m.

PRESENT: Thebo, Raines, Stark, Pickel, Porter

ABSENT:

The following resolution was offered by member Porter and seconded by member Stark.

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

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

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Said Special Assessment Roll in the amount of \$105,500 is hereby confirmed.
2. The assessments in said Special Assessment Roll shall be payable in 5 annual installments of \$21,100 with the first installment to be due on December 1, 2012, and payable without penalty through February 14, 2013. Subsequent installments of \$21,100 shall be due on or before the 1<sup>st</sup> day of the same month of each year thereafter and are payable without penalty through the 14<sup>th</sup> day of the same month of each year thereafter.
3. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected, and the Clerk of Maple Valley Township shall deliver said Special Assessment Roll to the Township Treasurer, with his/her warrant attached, commanding the treasurer to collect the assessments therein in accordance with the directions of the Lake Board, and the treasurer is directed to collect the amounts assessed as the same become due.

ADOPTED: AYES: 5  
NAYS: 0

RESOLUTION DECLARED ADOPTED.

I, Donald E. Cooper, Secretary/Treasurer of said Muskellunge Lake, Lake Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the lake board at a meeting held on the 4<sup>th</sup> day of August 2012. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 4<sup>th</sup> day of August 2012.

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Donald E. Cooper, Secretary/Treasurer

**EXHIBIT A**  
**MUSKELLUNGE LAKE**  
**MAPLE VALLEY TOWNSHIP**  
**NUISANCE AQUATIC PLANT CONTROL PROGRAM**  
**BENEFIT FACTORS**

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

<u>Use Factors</u>	<u>Units</u>
Lakefront lots	1
Back lots with dedicated/deeded access	.5
Trailer condominium site	.5 per unit
Back lots with lagoon frontage	.25
Back lots with 5 foot public walkway access	.25

Note: Contiguous lots in common ownership are proposed to be assessed as a single parcel provided only one dwelling exists on the parcel. Single parcels with more than one dwelling will be assessed per dwelling.

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

TAKE NOTICE that the Muskellunge Lake, Lake Improvement Board has confirmed the Special Assessment Roll for improvements to Muskellunge Lake. The Special Assessment Roll in the amount of \$105,500 has been prepared for the purpose of assessing the cost of a lake improvement program consisting of herbicide treatments and mechanical harvesting for aquatic plant control over a 5-year period (2012 through 2016). Said Special Assessment Roll and all assessments thereon are final and conclusive unless attacked in a court of competent jurisdiction within 30 days of this notice.

Muskellunge Lake, Lake Improvement Board  
Montcalm County, Michigan