



Office of Administration

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Sent Via E-mail
rwripstra@outlook.com

September 28, 2022

Mr. Robert Ripstra
1613 Charlevois Dr.
Troy, MI 48085

Dear Mr. Ripstra:

Re: Freedom of Information Act FOIA #22-148C
Granted

Newaygo County received your Freedom of Information Act ("FOIA") request dated September 27, 2022

1. September 13, 2022, Hess Lake Board Meeting Minutes & meeting materials – draft

The County has granted your request.

2. July 12, 2022, Meeting Minutes – approved

The County has granted your request.

The County has determined that the total cost of processing and finalizing this request is \$ 5.67 . (See attached Detailed Itemization Sheet.)

If your request has been denied in part, you have the right to (1) submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for the reversal of the disclosure denial or (2) seek judicial review of this decision, as stated in Section 10 of the Michigan Freedom of Information Act, MCL 15.240 (see attachment). Further, you have the right to seek attorney fees and damages as provided in Section 10 (see attachment) if the court determines that the County has not complied with this section and orders disclosure of all or a portion of the public record.

Please be advised that the County's FOIA Policies and Procedures and written summary are available on the County's website at www.newaygocountymi.gov.

Should you have any questions, please feel free to contact me.

Sincerely,

Christopher Wren
County Administrator/FOIA Coordinator

Minutes
Hess Lake Improvement Board
July 12, 2022
9:30 A.M.

Board Members Present: Bart Calvi, Dale Twing, Ken DeLaat, Mark Slocum, Grant Bryan
Board Members Absent: None
Also Present: Paul, Katherine, Dennis

1. The meeting was called to order at 9:32 a.m. by Twing.

2. Approval of Agenda:

Motion by DeLaat, seconded by Slocum to approve the agenda with adjustments and corrections. All ayes. Motion carried.

3. Approval of Minutes 5/10/2022 Meeting

Motion by Twing, seconded by Slocum to approve the minutes of the 5/10/2022 meeting. All ayes. Motion carried.

4. Public Comment: (2 minutes)

None

5. Financial Report:

Motion by DeLaat, seconded by Twing to approve the financial report as submitted and to pay all routine bills. All ayes. Motion carried.

6. Old Business:

- a. Streamside proposal for Wheeler Drain: Streamside has submitted a bill, but there is no report ready at this time.
- b. DNR grant finalization: Discussions of any future submissions, their merit, and the likelihood of success.
- c. Shoreline protection: Overall discussion of shoreline protection and all things good and bad.
- d. Wheeler Drain study: Talked again about pros and cons, and misconceptions.
- e. Carp Solutions update: Discussed the upcoming program for tagging fish.
- f. Alum approval: Discussed the alum approval and what it means if and when we use it.
- g. Aquatic plant study: The Chair went with Rick out on the lake for survey. Small amounts of Milfoil, some Chara, and lots of Lily Pads- no treatments needed.

Some discussions about seed bed for good weeds. Hopefully they will come back when the lake gets healthier.

7. New Business:

- a. Harmful algae study and plans: Short discussion about blooms and designation EGLE gave about lake being impaired.
- b. Per diem change: Motion by Slocum seconded by Calvi to keep per diem the same. All ayes. Motion carried.

8. Correspondence/Bills

Nothing outside of the routine bills.

9. Public Comment (2 minutes)

None

10. Miscellaneous

None

11. Adjournment

Motion by DeLaat, seconded by Slocum to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 10:58 a.m.

Dale E. Twing, Secretary

**Hess Lake Improvement Board
Regular Meeting
September 13, 2022
9:30 a.m.**

-AGENDA-

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of the minutes of the 7/12/2022 Meeting Minutes**
- 4. Public Comment-2 minutes**
- 5. Treasurers Report**
- 6. Old Business**
 - A. Aquatic plant study**
 - B. Carp solution update**
 - C. Streamside proposal for Wheeler Drain**
 - D. Shoreline protection**
 - E. Harm algae study**
- 7. New Business**
 - A. Set assessments**
 - B. Set 2023 meeting dates**
 - C. Dredging costs**
 - D. Alum cost update**
 - E. Seed bed under the lake**
 - F. Wheeler Drain upstream monitoring**
- 8. Correspondence/Bills**
- 9. Public Comment – 2 minutes**
- 10. Miscellaneous**
- 11. Adjournment**

Minutes (Organizational Meeting)
Hess Lake Improvement Board
July 12, 2022
9:30 A.M.

Board Members Present: Bart Calvi, Dale Twing, Ken DeLaat, Mark Slocum, Grant Bryan
Board Members Absent: None
Also Present: Paul, Katherine, Dennis

1. The meeting was called to order at 9:32 a.m. by Twing.
2. Approval of Agenda:

Motion by DeLaat, seconded by Slocum to approve the agenda with adjustments and corrections. All ayes. Motion carried.
3. Approval of Minutes 5/10/2022 Meeting

Motion by Twing, seconded by Slocum to approve the minutes of the 5/10/2022 meeting. All ayes. Motion Carried.
4. Public Comment: (2 minutes)

None
5. Financial Report:

Motion by DeLaat, seconded by Twing to approve the Financial Report as Submitted and to pay all routine bills. All ayes. Motion carried.
6. Old Business:
 - a. Streamside proposal for Wheeler Drain: Streamside has submitted a bill, but there is no report ready at this time.
 - b. DNR grant finalization: Discussions of any future submissions, their merit, and the likelihood of success.
 - c. Shoreline protection: Overall discussion of shoreline protection and all things good and bad.
 - d. Wheeler Drain study: Talked again about pros and cons, and misconceptions.
 - e. Carp Solutions update: Discussed the upcoming program for tagging fish.
 - f. Alum approval: Discussed the alum approval and what it means if and when we use it.
 - g. Aquatic plant study: The Chair went with Rick out on the lake for survey. Small amounts of milfoil, some Chara, and lots of lily pads- no treatments needed. Some

discussions about seed bed for good weeds. Hopefully they will come back when the lake gets healthier.

7. New Business:

- a. Harmful algae study and plans: Short discussion about blooms and designation EGLE gave about lake being impaired.
- b. Per diem change: Motion by Slocum seconded by Calvi to keep per diem the same. All ayes. Motion carried.

8. Correspondence/Bills

Nothing outside of the routine bills.

9. Public Comment (2 minutes)

None

10. Miscellaneous

None

11. Adjournment

Motion by DeLaat, seconded by Slocum to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 10:58 a.m.

Dale E. Twing, Secretary

**Financial Report for Hess Lake Improvement Board
For 09/13/2022 Meeting**

Revenues and Expenses from 07/07/2022-09/02/2022

REVENUES	
Special Assessments Collected	
Void invoice for Brooks Lake Board	\$45.00
Total Revenues	\$0.00

EXPENSES	
Per Diem	\$180.00
Progressive	\$7,000.00
Savin Lake Services	
Office Supplies	
Postage/Copying	\$38.20
Printing/Publishing	
Taxes	
Secretarial	\$30.00
Streamside	\$1,305.63
Total Expenses	\$8,553.83

Beginning Balance	\$141,490.26
Revenues	\$0.00
Expenses	-\$8,553.83
Total Cash on Hand	\$132,936.43

REVENUE AND EXPENDITURE REPORT FOR NEWAYGO COUNTY
 Balances for quarter ending 09/30/2022

Fund 846.000 - HESS LAKE BOARD

Account	Description	2021-22 Amended Budget	YEAR-TO-DATE THRU 09/30/22	ACTIVITY FOR QUARTER ENDED 09/30/2022	Available Balance	% Used
Revenues						
Public Works :						
Department 442.000: DRAIN COMMISSIONER						
Special Assessments						
452.000	SPECIAL ASSESSMENTS	0.00	80,329.74	0.00	(80,329.74)	100.00
	Special Assessments	0.00	80,329.74	0.00	(80,329.74)	100.00
Total - Dept 442.000		0.00	80,329.74	0.00	(80,329.74)	100.00
	Public Works	0.00	80,329.74	0.00	(80,329.74)	100.00
Total Revenues		0.00	80,329.74	0.00	(80,329.74)	0.00
Expenditures						
Public Works :						
Department 442.000: DRAIN COMMISSIONER						
Personnel Services						
702.100	PER DIEM					
07/21/2022	AP HESS LAKE BOARD MEETING		62208	45.00	Inv #: 'HLB 2022-201' Vendor '4002'	
07/21/2022	AP HESS LAKE BOARD MEETING		62209	45.00	Inv #: 'HLB 2022-202' Vendor '2258'	
07/21/2022	AP HESS LAKE BOARD MEETING		62200	45.00	Inv #: 'HLB 2022-203' Vendor '1956'	
07/21/2022	AP HESS LAKE BOARD MEETING		62172	45.00	Inv #: 'HLB 2022-204' Vendor '3979'	
702.100	PER DIEM	0.00	540.00	180.00	(540.00)	100.00
	Personnel Services	0.00	540.00	180.00	(540.00)	100.00
Other Services and Charges						
802.000	SERVICE FEES					
07/08/2022	GJ LAKE BOARDS SEC. SERVICES- JULY 2022		61451	30.00	JE# 23213	
802.000	SERVICE FEES	0.00	369.75	30.00	(369.75)	100.00
967.500	CONSTRUCTION/PROJECT COSTS					
07/12/2022	AP HESS LAKE 2022 CONTRACT PHASE 22		61490	7,000.00	Inv #: '00188046' Vendor '1332'	
07/31/2022	GJ Copier - July - Hess Lake		63265	38.20	JE# 23361	
08/02/2022	AP SE OF BANKS OF HESS LAKE		62837	1,305.63	Inv #: '22-44-01' Vendor '4246'	
08/30/2022	AP Void Invoice BLB 3 3190		64622	(45.00)	Inv #: 'BLB 3' Vendor '3190'	
09/01/2022	AP RE-ISSUE CHECK 161255		64785	45.00	Inv #: '12878' Vendor 'REFUND'	
967.500	CONSTRUCTION/PROJECT COSTS	0.00	34,692.23	8,343.83	(34,692.23)	100.00
	Other Services and Charges	0.00	35,061.98	8,373.83	(35,061.98)	100.00
Total - Dept 442.000		0.00	35,601.98	8,553.83	(35,601.98)	100.00

REVENUE AND EXPENDITURE REPORT FOR NEWAYGO COUNTY
Balances for quarter ending 09/30/2022

Fund 846.000 - HESS LAKE BOARD

Account	Description	2021-22 Amended Budget	YEAR-TO-DATE THRU 09/30/22	ACTIVITY FOR QUARTER ENDED 09/30/2022	Available Balance	% Used
<hr/>						
Expenditures						
	Public Works	0.00	35,601.98	8,553.83	(35,601.98)	100.00
Total Expenditures		0.00	35,601.98	8,553.83	(35,601.98)	0.00
NET OF REVENUES AND EXPENDITURES		0.00	44,727.76	(8,553.83)	(44,727.76)	

Wheeler Drain Assessment

Prepared For:

Hess Lake Improvement Board
c/o Dale Twing
Newaygo County Drain Commissioner
306 S. North Street
PO Box 885
White Cloud, MI 49349

Prepared By:



August 22, 2022

INTRODUCTION

At the request of the Hess Lake Improvement Board, Streamside Ecological Services, Inc. (SES) reviewed historical documents and other existing information, and conducted a site inspection, to assess the stability of the Wheeler Drain. The overall purpose of this effort was to provide a professional opinion regarding causes of instability and recommendations for future management.

BACKGROUND

The Wheeler Drain, a tributary to Hess Lake, is located in Grant and Ashland Townships in southern Newaygo County, MI (Figure 1). The drain has a very interesting history that is relevant to the present-day function of the drain. Originally, prior to 1916, the Wheeler Drain flowed easterly into what was called Rice Lake. The Rice Lake outlet was to the Rogue River (Part of the larger Grand River watershed), which flowed into Kent County. In 1916, the Wheeler Drain was re-routed to flow north into Hess Lake; the construction included crossing a natural watershed divide that separates the Grand and Muskegon River watersheds. This watershed divide is located in the area of E. 104th St and E. 108th St. At the time, the work was considered to be necessary to drain wetlands for agricultural and residential development. It is doubtful that much deliberation was given to the long-term impacts of such a project, which would have been a fairly common project during the turn of the century.

In 1949, excessive erosion of the drain was resulting in negative impacts to downstream property and resources. A Michigan Department of Conservation memo described the excessive erosion of sandy soils and downstream transport of light material. The soil was deposited at the outlet of the drain, in Hess Lake, where it formed a delta resulting in what was claimed to be damage to about 50 cottages. Since that time, the erosion of the Wheeler Drain has been the subject of debate and multiple engineering and improvement efforts.

Several attempts have been made over the years to stabilize the drain channel through in-channel work or hydrologic modification. Rock grade control structures (e.g. riffles, check dams) are visible throughout much of the drain and offline detention/wetland sediment traps have been constructed in at least four locations. While these efforts have undoubtedly resulted in improved stability and water quality, the on-going erosion issues are testament to the consequences of the original construction through a sandy watershed divide and the severity of instability.

FIELD INSPECTION

On June 13, 2022, SES conducted an on-site inspection of the Wheeler Drain. The inspection began at the origin of the drain, near the Sycamore Ave. crossing, and continued downstream to Hess Lake. From Sycamore Ave. to E. 108th St. the drain and surrounding landscape were observed from the vehicle and short walks from road crossings; the entire drain was walked from E. 108th St. down to Hess Lake. This was a decision that was made based upon the relative stability of the upper portion of the drain and the instability of the lower portion.

From Sycamore Ave. to E. 108th St., the Wheeler Drain is typical of most agricultural drains. It is relatively low slope, low energy, has vegetated banks and is quite stable. Surrounding lands are a mix of residential,

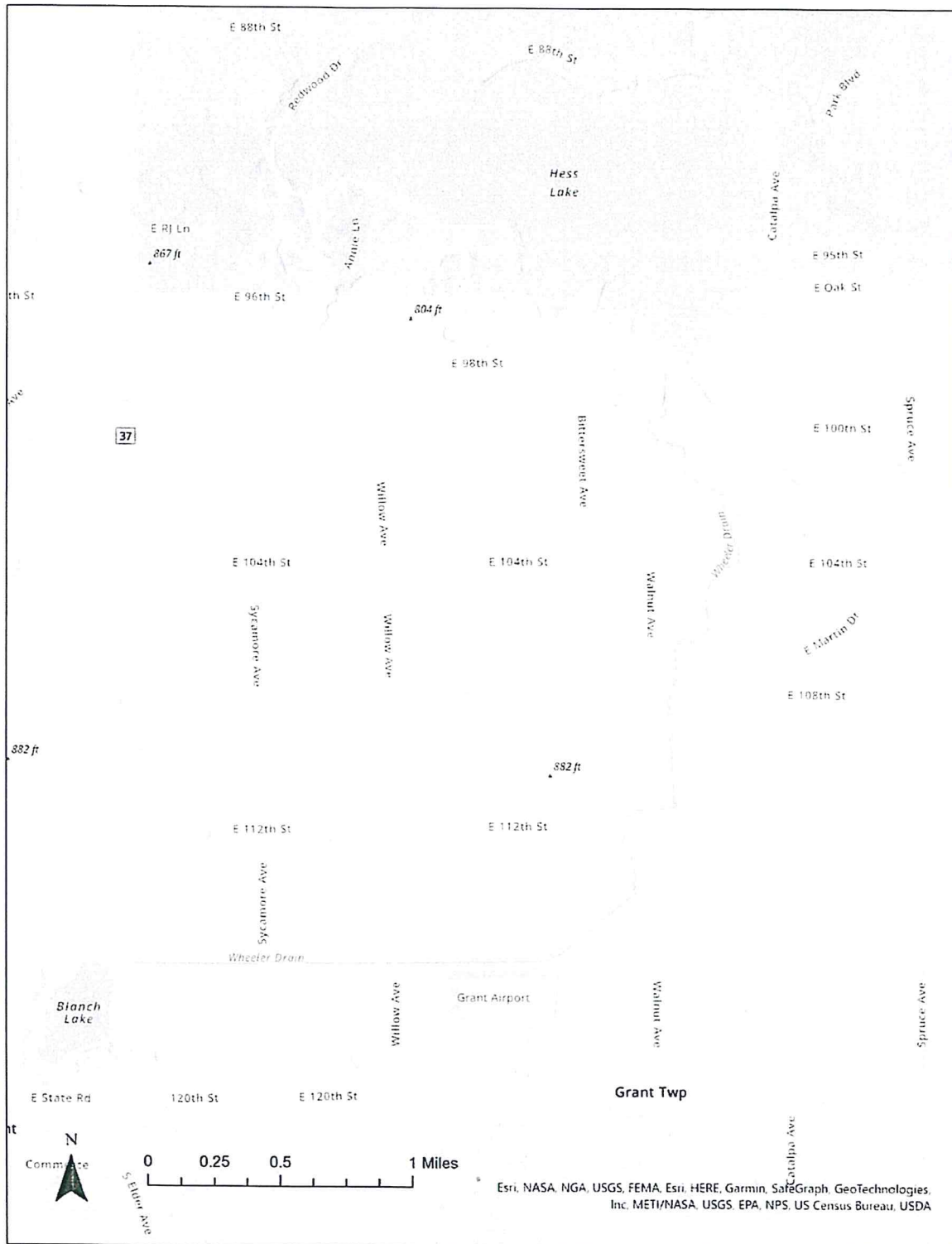


Figure 1. Location of the Wheeler Drain in Newaygo County, MI.

forest and, predominantly, agricultural. The croplands likely contribute a supply of sediment and nutrients to the drain, since little buffer exists along the field edges; the bottom of the drain is covered in fine sediments and dense aquatic vegetation grows along this entire reach. However, a surprising amount (though a minority) of the cropland was fallow and covered in dense herbaceous vegetation.

The culvert under E. 108th St. is severely perched and the drain spills approximately 12 to 18 inches into a plunge pool. This crossing pretty well defines the upper limit of the major instability of the drain. Downstream of E. 108th St. the Wheeler Drain flows through sandy soils and begins a relatively drastic descent to Hess Lake. This reach was completely constructed as part of the 1916 project; the landscape is not alluvial (was not formed by running water) and is not naturally capable of resisting the erosive forces of flowing water.

The first approximately 1,800 feet of drain downstream of E. 108th St. flows through open land, with bare sand, herbaceous vegetation and sparse shrubs bordering the drain. Bank erosion is present and quite significant in concentrated areas, but not severe, overall. Several constructed rock riffles have been relatively successful at holding the streambed grade and preventing continued downcutting, but the entire reach is incised with little to no functional floodplain. The drain banks are +/-6 feet in height, consist primarily of sand and are vegetated with annual grasses and ferns. Potential for future erosion and sediment input is substantial.

About 1,800 feet downstream of E. 108th St. the drain turns to the north and flows to Hess Lake. Here, the drain enters a wooded corridor, where it remains until it reaches the sediment basins upstream of Hess Lake. The wooded corridor has a heavy canopy of oaks, white pine and other mixed species. Banks are steep and bank heights increase significantly and exceed ten to fifteen feet in many locations. Sand is the dominant soil type and the drain is severely incised, with no floodplain access. The drain meanders from one eroded bank to the next and dozens of trees have been undermined and fallen into the channel, further exacerbating bank erosion. Efforts to install rock grade control have been mostly unsuccessful, as evidenced by remains of failed structures that collapsed or were laterally bypassed. This condition prevails all the way to the sediment basin. Potential for future erosion is extreme.

DISCUSSION

The function of streams (and drains) is to transport the water and sediment supplied by their watershed. A stable stream is able to complete this function without degrading or aggrading and maintains its pattern, profile and dimension over time. In the case of the Wheeler Drain, the historic excavation of a channel through a watershed divide was ill-advised, at best. The drain is able to transport a portion of the sediment load downstream, where it deposits in Hess Lake, but there is such a large volume of sand that the drain is in a continual state of adjustment as it tries to reach an equilibrium between sediment supply and the ability to transport it. The anticipated channel evolution or succession scenario (how the stream will adjust over time to find stability) that will naturally occur within the Wheeler Drain involves the channel meandering through the sandy soils and gradually transporting the sediments downstream. The drain will continue to meander, erode, headcut, deposit and transport until the valley is wide enough for a floodplain to form within the bottom and the slope is reduced to a degree that the bed material can resist the erosive forces of the water, or the bed cuts to a more resistant soil layer. Only once a floodplain is

formed and vegetated will the channel become stable. This adjustment will, without a doubt, continue for decades or centuries.

A large part of stream restoration or stabilization is understanding the natural channel succession scenarios and the volume of water and sediment supplied by the watershed. Then, the channel geometry can be adjusted. There are three general approaches to stabilizing a channel: 1) Creating an appropriately-sized channel at the historic floodplain elevation; 2) Creating floodplain at the existing streambed elevation or; 3) Using erosion-resistant materials to “lock” a channel into place (e.g. rock riprap, steel piling, bio-engineering, etc.).

Frankly, it is the professional opinion of SES that none of these options are suitable for the Wheeler Drain. First, there is no historic floodplain since the drain was excavated at great depth through the watershed divide. In lieu of utilizing historic floodplain, the premise to elevate the drain bed to create floodplain in the surrounding landscape would be extremely expensive and prone to failure; the soils are not compatible and there is too much elevation change between E. 108th St. and Hess Lake (steep streams and sandy soils are not well-suited). Second, creating functional floodplain near the elevation of the existing channel would involve massive volumes of excavation (hundreds of thousands of cubic yards) and the soils are still not compatible for creating a stable channel and floodplain. Third, stabilizing in place using rock or other erosion-resistant materials is costly with a very high risk of failure. The drain has cut deep into the landscape resulting in all of the erosive flows being contained within the banks. The drain is too steep for the erosion-prone soils. Many of the past attempts at grade control have failed as a result of the site conditions.

Relocation of the Wheeler Drain to its original route and course, prior to the 1916 construction work, is theoretically a good alternative. This would eliminate the surety of continued erosion of the drain between E. 108th St. and Hess Lake, a source of sediment and nutrients to Hess Lake, and the expenses associated with engineering studies and attempted stabilization. It would also restore the historic flow route to the Rogue River. However, the planning, land acquisition, engineering, legal, permitting, etc. would be expensive and difficult, if not impossible.

All of this being said, the best alternative for drain management may be increased upstream detention of flood flows and continual and consistent maintenance of the drain within the problem reach and the sediment basins. Specifically, the more water that can be detained upstream of E. 108th St, the less erosive flows pass through the problem area. As well, trees and debris should be selectively removed from the channel. Care should be taken to leave trees in place that promote bank protection and increase roughness near the banks; ideally, the center of the channel should be open for flow but the banks armored with trees and debris. Large tree sections (10-inch diameter or more) can be used to protect banks, centralize flows and to encourage deposition by anchoring them into suitable locations and at appropriate angles. This work will not be a long-term solution, the overall risk of bank failure will remain high and the drain will continue to transport large volumes of sediment downstream, but this alternative may offer a low-cost alternative for possibly significant improvements. Finally, although not a solution to drain stabilization, regular, continued maintenance and clean-out of the sediment basin upstream of Hess Lake should be continued to reduce the volume of sediment and nutrient transport to Hess Lake.

Minutes
Hess Lake Improvement Board
September 13, 2022
9:30 A.M.

Board Members Present: Bart Calvi, Dale Twing, Ken DeLaat, Mark Slocum, Grant Bryan

Board Members Absent: None

Also Present: Rick Buteyn, Katherine Farwell, Steffani Clayton, Jerry Reynolds, Tony Groves, Nancy Calvi, Frank Janusz, Russ, Andrejczak

1. The meeting was called to order at 9:30 a.m. by Twing.

2. Approval of Agenda:

Motion by DeLaat, seconded by Slocum to approve the agenda. All ayes. Motion carried.

3. Approval of Minutes 7/12/2022 Meeting

Motion by Slocum, seconded by Bryan to approve the minutes of the 7/12/2022 meeting. All ayes. Motion carried.

4. Public Comment: (2 minutes)

None

5. Financial Report:

Motion by Slocum, seconded by DeLaat to approve the financial report as Submitted. All ayes. Motion carried.

6. Old Business:

- a. Rick comments on milfoil. We are still seeing a milfoil in a few locations along with kara and coon tail. No plant control treatments were done this year. We will continue to monitor for next year. Bart asks about stocking fish. Tony says lets take care of the carp before we stock for fish.
- b. One hundred and thirty carp were tagged, forty-four were pulled out. Three nets baited with crack corn. They are attempting to feed the carp longer for better results. Grant offered for anyone to come along. Estimated twenty-nine thousand carp in the lake. Tony states if we are not successful in this attempt to remove carp, then we need to rethink our methods.
- c. Bart states we did another analysis of Wheeler Drain, Streamside has given us another report. (Attached in the packet) Rice Lake was drained to create what is not the muck fields. Wheeler drain is not stable due to sandy soil and there are no

logical alternatives. There is a grant that will target specific locations to alleviate the issues. Bart asks for the potential approval date on the grant. Dale states there is no update.

- d. Grant states there are no updates on shoreline protection except that he spoke with Corey Nelson to see if he can help with funding. Also, Grant reached out to Erick Elgin with no response. Dale tried calling him in the meeting, no answer, Dale left a message.
- e. Bart spoke on the harmful algae bloom. They tried touching base with everyone via facebook to spread the information. The federal government has a buoy in the lake collecting data for an ongoing study. They have found that the toxicity is located right in the middle of the bloom. Even one hundred feet away is okay to swim. Latest field test showed negative for the toxic algae.

7. New Business:

- a. Tony states we are currently assessing just over fifty thousand. Dale stated we shouldn't change assessments too much to avoid upsetting landowners. Bart & Grant agree we should keep it the same. Motion by Bart, seconded by Slocum to keep assessments the same.
- b. Motion by Slocum, seconded by DeLaat to set meeting dates May 9 at 9:30 a.m. at the Drain Office, July 11 at 6 p.m. at the Brooks Township Hall, and September 12 at 9:30 a.m. at the Drain Office. Bart wants to discuss lake ecology in the summer.
- c. Dale speaks on diver assisted suction for removing weeds at the root. The cost for dredging \$20-\$30 per cubic yard. To do 10% of the lake at 5 ft depth, per resident, would increase \$5000 in taxes for 5 years. Dale states that Savin bought a company that does it and can ask them to come and discuss benefits and costs. It is cost prohibitive and permits from EGLE are hard to obtain.
- d. Bart explains we obtained a permit for the alum treatment. So far, we are gathering costs and weighing options. We need to solve the carp problem first.
- e. Bart wants to know if healthy plants will grow as a result of the carp removal. Tony explains based on the information gathered in the past, it is possible.
- f. Tony explains we can set up monitoring locations and do sampling to get data for pollutants.

8. Correspondence/Bills

Dale requests to pay the routine bills.

9. Public Comment (2 minutes)

Katherine mentions helping a company out of Fremont, Simon Cronk, to put devices in Wheeler Drain to monitor temperatures. The board asked that the data be passed along to them.

10. Miscellaneous

Bart asked Dale about his email to the fisheries. Twing states he has not heard back. Twing states that Brooks Lake Board is interested in a joint meeting due to being connected and having similar issues. They will look into for winter.

11. Adjournment

Motion by Calvi, seconded by Slocum to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 10:58 a.m.

Dale E. Twing, Secretary

DRAFT