



Office of Administration

1087 Newell, PO Box 885
White Cloud, Michigan 49349
Phone: (231) 689-7234
Fax: (231) 689-7205

Sent Via E-mail
rwipstra@outlook.com

July 26, 2023

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

Dear Mr. Ripstra:

Re: Freedom of Information Act FOIA #23-149B
Granted

Newaygo County received your Freedom of Information Act ("FOIA") request dated July 20, 2023

1. July 11, 2023, Hess Lake Board Meeting Minutes & meeting materials – draft

The County has granted your request.

2. Progressive AE 2023 Contact and all costs

The County has granted your request.

3. Breakdown of the annual \$80,500 costs

The County has granted your request.

The County has determined that the total cost of processing and finalizing this request is \$ 5.95. (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

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 2014, Act 563, Eff. July 1, 2015.

Popular name: Act 442

Popular name: FOIA

**HESS LAKE IMPROVEMENT BOARD
MEETING AGENDA**

July 11, 2023

6:00 P.M.

Brooks Township Hall

490 Quarterline Road

Newaygo, Michigan 49337

1. Call to Order
2. Introduction of Lake Board
3. Overview of agenda and public hearing question & answer protocol (state name and address)
4. Public Hearing on Practicability of Project
 - a) Project Overview
 - b) Public Comment
 - c) Close Public Hearing
 - d) Consideration of Resolution to Proceed with Improvements to Hess Lake
5. Public Hearing on Special Assessment Roll
 - a) Assessment Criteria Overview
 - b) Public Comment
 - c) Close Public Hearing
 - d) Consideration of Resolution Confirming Hess Lake Special Assessment Roll
5. Other Business
 - a) Muskegon River Watershed Assembly – Wheeler and Alger Drain Projects
 - b) Shoreline Restoration (MSU Extension)
 - c) Bluegill Stocking (Hess Lake Improvement Association)/Future Stocking
 - d) Lake Board Website Status/Facebook Page
 - e) Water Quality Monitoring Schedule
 - f) Alum Treatment
 - g) Carp Removal – Carp Solutions LLC
 - h) DNR
8. Adjourn

...SULAL

Hess Lake

E CLEARWATER ST

E HESS LAKE DR

S CLEARWATER ST

WHEELER DRAIN

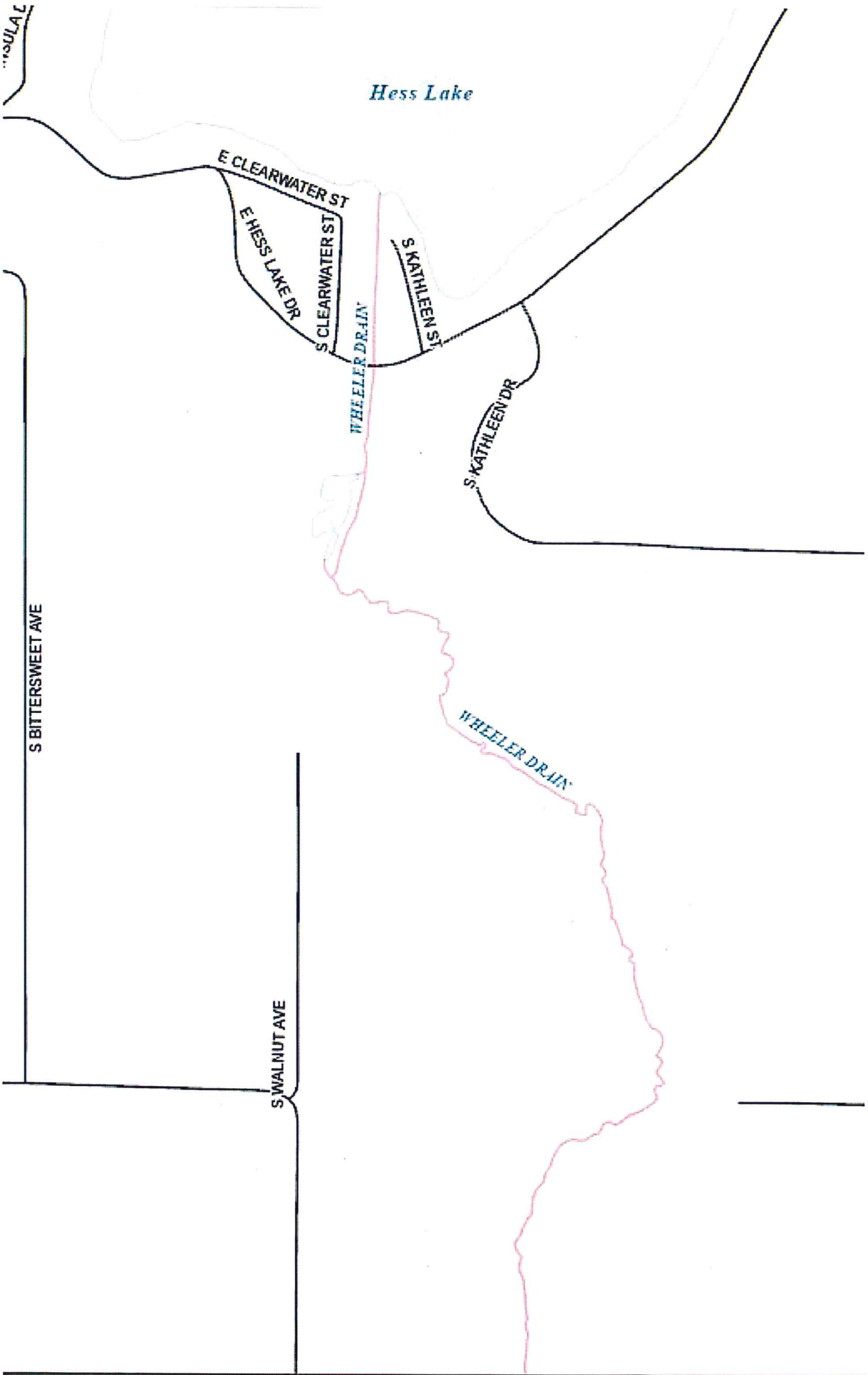
S KATHLEEN ST

S KATHLEEN DR

S BITTERSWEET AVE

S WALNUT AVE

WHEELER DRAIN



Financial Report for Hess Lake Improvement Board

For 7/11/2023 Meeting

Revenues and Expenses from 4/28/2023 - 7/6/2023

REVENUES	
Special Assessments	\$3,643.56
Collected	
Total Revenues	\$3,643.56

EXPENSES	
Per Diem	\$180.00
Progressive	
Copier	
Carp Solutions	
Postage/Copying	\$452.07
Printing/Publishing	
Savin Lake Services	\$875.00
Secretarial	\$81.33
Streamside	
Total Expenses	\$1,588.40

Beginning Balance	\$161,060.23
Revenues	\$3,643.56
Expenses	-\$1,588.40
Total Cash on Hand	\$163,115.39

Account	Description	2022-23 Amended Budget	YEAR-TO-DATE THRU 06/30/23	ACTIVITY FOR QUARTER ENDED 06/30/2023	Available Balance	% Used
Revenues						
Public Works :						
Department 442.000: DRAIN COMMISSIONER						
Special Assessments						
452.000	SPECIAL ASSESSMENTS		81471	3,643.56 JE# 24885		
05/10/2023	GJ HESS LAKE BOARD CREDIT	0.00	80,840.52	3,643.56	(80,840.52)	100.00
452.000	SPECIAL ASSESSMENTS					
Special Assessments						
		0.00	80,840.52	3,643.56	(80,840.52)	100.00
<hr/>						
Total - Dept 442.000		0.00	80,840.52	3,643.56	(80,840.52)	100.00
Public Works						
		0.00	80,840.52	3,643.56	(80,840.52)	100.00
<hr/>						
Total Revenues		0.00	80,840.52	3,643.56	(80,840.52)	0.00
Expenditures						
Public Works :						
Department 442.000: DRAIN COMMISSIONER						
Personnel Services						
702.100	PER DIEM					
05/11/2023	AP HESS LAKE BOARD MEETING 5/9/2023		81419	45.00 Inv #: 'HLB2022-001' Vendor '1956'		
05/11/2023	AP HESS LAKE BOARD MEETING 5/9/2023		81424	45.00 Inv #: 'HLB2022-002' Vendor '4002'		
05/11/2023	AP HESS LAKE BOARD MEETING 5/9/2023		81406	45.00 Inv #: 'HLB2022-003' Vendor '3979'		
05/16/2023	AP HESS LAKE BOARD MEETING 5/9/2023		81650	45.00 Inv #: 'HLB2022-004' Vendor '4114'		
702.100	PER DIEM	0.00	180.00	180.00	(180.00)	100.00
<hr/>						
Personnel Services		0.00	180.00	180.00	(180.00)	100.00
Other Services and Charges						
802.000	SERVICE FEES					
04/17/2023	GJ LAKE BORAD BILLBACKS		79845	16.27 JE# 24778		
05/25/2023	GJ SECRETARIAL CHARGES MAY 2023		83201	81.33 JE# 24947		
802.000	SERVICE FEES	0.00	97.60	97.60	(97.60)	100.00
<hr/>						
967.500	CONSTRUCTION/PROJECT COSTS					
04/18/2023	AP HESS LAKE 2023 CONTRACT		79792	7,000.00 Inv #: '192274' Vendor '1332'		
04/30/2023	GJ Copier - April - Hess Lake		81394	3.00 JE# 24857		
05/04/2023	AP HESS LAKE EGLE PERMIT		81172	875.00 Inv #: '9065' Vendor '2706'		
05/31/2023	GJ Copier - May - Hess Lake		83551	10.10 JE# 25001		
06/29/2023	GJ Copier - February - Hess Lake		84612	0.20 JE# 25098		
06/30/2023	GJ Copier - June - Hess Lake		84951	128.15 JE# 25112		
06/30/2023	GJ Postage - JUNE - Hess Lake Board		84952	310.62 JE# 25113		

Fund 846.000 - HESS LAKE BOARD

Account	Description	2022-23 Amended Budget	YEAR-TO-DATE THRU 06/30/23	ACTIVITY FOR QUARTER ENDED 06/30/2023	Available	
					Balance	% Used
Expenditures						
Department 442.000:	DRAIN COMMISSIONER	0.00	42,669.06	8,327.07	(42,669.06)	100.00
967.500	CONSTRUCTION/PROJECT COSTS					
Other Services and Charges						
		0.00	42,766.66	8,424.67	(42,766.66)	100.00
<hr/>						
Total - Dept 442.000		0.00	42,946.66	8,604.67	(42,946.66)	100.00
Public Works						
		0.00	42,946.66	8,604.67	(42,946.66)	100.00
Total Expenditures						
		0.00	42,946.66	8,604.67	(42,946.66)	0.00
NET OF REVENUES AND EXPENDITURES						
		0.00	37,893.86	(4,961.11)	(37,893.86)	

HESS LAKE IMPROVEMENT BOARD
PUBLIC HEARING ON PRACTICABILITY OF PROJECT AND SPECIAL ASSESSMENT
ROLL

Date: July 11, 2023
Time: 6:00 P.M.
Location: Brooks Township Hall
490 Quarterline Road
Newaygo, MI 49337
Meeting Minutes By: Steffani Clayton, Drain Secretary

ATTENDEES: Dale Twing
Ken DeLaat
Mark Slocum
Bart Calvi
Grant Bryan

ALSO PRESENT: Tony Groves, Progressive AE
Steffani Clayton, Drain Secretary
Residents

July 11, 2023

6:00 P.M.

Newaygo, Michigan

Calvi calls the meeting to order at 6:00 P.M. then proceeds to do introductions of the board members as well as Tony Groves from Progressive.

Groves explains his position with Progressive (Marine Biologist) and goes over the agenda and how the evening will proceed.

Calvi opens the Hearing of Practicability at 6:02 P.M.

Groves covers the objective (Alum treatments and carp study). Aluminum Sulphate binds phosphorus sediment and sends it to the bottom of the lake. The Carp Study showed an estimate of 30,000 carp in Hess Lake. Carp cause turbidity and pollution in the lake.

Groves opens the question-and-answer portion of the Hearing of Practicability.

Brent Vanderstelt at 1717 E Hess Lake Drive- Question: Why do another seven years of treatment and carp study? Why not just kill off all fish and restock? Dale answers: The DNR is against a fish kill and it is hard to get permitting for it, they want to see all other options exhausted first. Tony also answers: If we can prove all other options are not feasible, the DNR may issue a permit for a fish kill. There has been attempts to track and eliminate the carp.

Terry Roelofs at 1556 E Lockwood Court- Statement: There is a pond at the back of the lake where carp are a huge problem, the traps are not capturing them. Landowners have captured more carp than the Lake Board. Groves answers: It is great that the landowners are trapping the carp as well.

Kelly Wigent at 1520 E Lockwood Court- Statement: I don't believe that there are that many carp in the lake, catfish are the real problem. They are eating all the fish eggs. Groves answers: Catfish were stocked in Brooks Lake in 2019 and Brooks Lake has a channel that flows into Hess, that is likely where they are coming from. Question continued: Can we place a barrier in the channel to stop the catfish from coming into Hess Lake? Brooks lake is causing a problem in our lake. Twing answers: There has been talk of a joint meeting between Hess and Brooks Lake.

Randy at 787 E Hess Lake Drive- Question: I am completely against killing all the fish off. Catfish are not native to the lake. We should explore

other opportunities like catch and release, stocking good fish, and meet with Brooks Lake. I am willing to donate to resolve these issues. Twing answers: We must have this hearing first to stock fish. We cannot issue a catch and release rule without applying for a permit. We will orchestrate a joint meeting with Brooks Lake Board.

Cheryl Love at 1869 E Hess Lake Drive– Statement: It is time to make an investment since property values are declining, the lake is getting dirtier and dirtier. I am willing to donate for the cause. No answer: the board nodded in agreement and thanked her.

Gerald Swendrowski at 1237 E Hess Lake Drive– Question: We should have evening meetings so that working landowners can attend. I have two concerns with the assessments. One, according to engineering studies the issues with the lake are Wheeler Drain, needed dredging, and leaking sewers/septic tanks. We are only focusing on plants and carp. What results have we seen in the previous five years? What makes us want to continue for another five years? Groves answers: The goal is to get out of a constant state of algae growth, and to see native plants return and thrive. This will attract fish and stabilize the bottom. Regarding Wheeler Drain, a lot of work has been done to stabilize this drain. Wheeler was redirected to the Rogue River. The Muskegon Watershed Assembly is working on other forms of cleansing the watershed and the Wheeler Drain. A project on Alger Drain which restores 30 acres of land back to a wetland. There is ongoing monitoring to try to find solutions before spending more money, we need data and facts. Twing also answers: I utilized the Wheeler Drain fund and paid for the engineering to stabilize the bank of the Wheeler Drain and we maintain the sediment basin annually. Calvi also answers: Regarding the cost effectiveness of dredging, I ran the numbers. It would be \$20 per cubic yard. Google showed between \$20 and \$50. So, I went with the lower amount. To dredge 10% of the lake 5 foot down, it would be twelve million dollars. Twing answers again: EGLE will not issue permits for full lake dredging anymore.

Sean Simon at 9835 Kathleen Street– Statement: Wildlife and fish are gone. There is too much sediment, we need to dredge to fix the levels. No answer from the board.

Frank Janusz at 1049 E Hess Lake Drive– Statement: We have been trusting Lake Board members and engineers. There has been \$500,000 in the last ten years dumped away with no results to show for it. The weeds were killed and now there is just bad water quality. We need a better engineer, maybe someone who specializes in the issues we are having on our lake. Twing answers: We are looking to improving the watershed. We turned farmland into a wetland, and we are looking for other watershed resolutions. We are incentivizing the farmers to buffer their runoff.

Pat Baker at 9173 S Redwood Drive– Statement: She explains where Alger Drain goes. She explained that the sediment basin catches the sugar sand which prevents that sediment from going into the lake. Brent Vanderstelt at 1717 E Hess Lake Drive comments on Pat Bakers question stating that there is County land that can be used to dump the sediment from dredging.

Katherin Farwell at 9390 S Redwood Drive– Statement: I want to put together a team consisting of landowners too. We want to be informed of the steps as they do them and what is next. I believe that the herbicides are killing off all the plants because even when treating across the lake, plants on the other side of the lake are dying. Groves answers: Treatments are specifically targeting invasive species. The chemicals dilute too much to even affect plants 10 feet away, they cannot be the reason plants across the lake are dying.

David Miedema at 1105 E Hess Lake Drive– Statement: The channel is the problem with sediment and sugar sand. Twing answers: Dredging took place in the channel within the last 10 years. The engineer is working on the sediment basin wall to better prevent sediment from escaping the sediment basin.

Mike Perrin at 1719 E Hess Lake Drive– Question: I agree with the previous comments. How do we know that there have been improvements? The people want to know what is going on and what the future steps are. There was no answer from the board.

Sherri Russell at 9614 S Peninsula Drive– Question: How do we move forward? What is the most important first step? Groves answers: We need to get the carp under control, that is what is driving the turbidity. With the controversy on whether to do a fish kill or not, we must collect data first and spend money second instead of just trying things and not being successful. We are launching a website which will contain the information on progress on and which steps we are taking.

Mark Breen at 885 E Hess Lake Drive– Statement: The catfish are worse than the carp. Two other landowners spoke out stating that there are hundreds of carp in front of their property and that the carp are indeed out there. There was no answer from the board.

Virginia Roney at 9016 S Redwood Drive– Question: How do we get rid of the carp? Because they are out there, there are hundreds of carp in front of my house. Groves answers: Anything done in the lake requires a permit.

Scott Vanburen at 1528 E Lockwood Court– Question: How many catfish are in the lake? Why haven't you checked that number? Groves answers:

channel cats do not have the as large of an impact on water quality as carp. Channel cats are a fishery issue.

Kelly Wigent at 1520 Lockwood Court– Statement: Catfish are a problem too. The board did not answer.

Paul Dennis at 1917 E Hess Lake Drive– Question: If transponders are being used to track the carp, then why can't we just track them and kill them? Groves answers: The carp would disperse if we drove up to them to capture. He explains how transponders work and that we need to understand the spawning to get in front of the problem. Twing also answers: The biggest goal is water clarity. We need to clear up the water to get the native plants back.

Katherin Farwell at 9390 S Redwood Drive– Question: Is there a guarantee for carp removal? IS there a timeline? What is the price? Groves answers: There are no guarantees. We need to remove two thirds of the population for the water to clear up.

Pat Baker at 9173 S Redwood Drive– Question: If there is a carp and a catfish problem, why not work on both? There was no answer from the board.

Kelly Wigent at 1520 Lockwood Court– Question: On the South and West side of the lake, boats cause more damage than fish. The boats stir up the water. Regarding dredging, is there a payment plan? There was no answer from the board.

Gerald Swendrowski at 1237 E Hess Lake Drive– Statement: Reroute the Wheeler Drain!

Calvi calls the public comment to close at 7:31 P.M.

Twing reads the Resolution to Proceed with Improvements to Hess Lake aloud.

Clayton performs roll call:

Dale Twing– Yes

Ken DeLaat– Yes

Mark Slocum– Yes

Bart Calvi– Yes

Grant Bryan– Yes

Calvi calls the first part of the Public Hearing to close at 7:34 P.M.

Calvi opens the Hearing on Special Assessment Roll at 7:34 P.M.

Groves explains assessment amounts and that this portion of the hearing is to protest any discrepancies. No one responds.

Twing reads the first landowner letter aloud. Steve Pritchard was more than 500 feet away from the lake but was being assessed. This landowner was removed from the assessment roll. Twing reads the second landowner letter. William and Eileen Buckland thought they were being charged double, but they were not.

Calvi calls the public comment to close at 7:38 P.M.

Twing reads Resolution Confirming Special Assessment Roll and Directing the Collection of Special Assessments for Improvements to Hess Lake aloud.

Clayton performs roll call:

Dale Twing- Yes

Ken DeLaat- Yes

Mark Slocum- Yes

Bart Calvi- Yes

Grant Bryan- Yes

Calvi calls the second part of the Public Hearing to close at 7:41 P.M.

Minutes
Hess Lake Improvement Board
July 11, 2023
6:00 P.M.

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

Also Present: Tony Groves, Progressive AE, Steffani Clayton, Drain Secretary, Residents

The board proceeds with the regular scheduled Lake Board Meeting after Public Hearing:

5a. Muskegon Water Shed Assembly- Wheeler and Alger Drain projects: Groves comments that both projects are beneficial, and we will have more information soon. Calvi asks for a timeline. Groves states that we are waiting for EGLE approval, there is no definite timeline.

5b. Shoreline Restoration (MSU Extension): Bryan comments that we have not heard from Erick Elgin. Seawalls on Hess Lake are a huge problem as 80% of the lake is hard seawall. DNR and MSU extension proposes putting trees down into the shoreline of the lake, this creates a habitat for wildlife. Twing mentions he called Elgin today and he did not answer, but Twing will see him Monday.

5c. Bluegill Stocking (Hess Lake Improvement Association) and Future Stocking: HLIA approved 1000 bluegill to be stocked. Bluegills eat carp eggs. The board tabled the discussion until the September meeting to determine quantity. Calvi states we do not know the amount we will stock yet. Twing states Mark Tonello, DNR, may have some good advice. Groves mentions looking into a predator fish.

5d. Lake Board Website Status and Facebook Page: Groves states that the website is being constructed and a draft will be sent out before the website goes live. Website is hesslakeimprovementboard.org Mary will run the facebook page for Hess Lake Board and the board will hold off on a new facebook page for now. Clayton also mentions that the County website has information regarding Hess Lake as well as the Newaygo County Drain Commissioner facebook page.

5f. Alum Treatment: Calvi states that we have a permit for alum treatments if we did decide to use alum treatments on the lake.

5g. Carp Removal- Carp Solutions LLC: Groves states that he will touch base with Carp Solutions after this meeting to streamline a proposal.

5h. DNR: Groves states that we will keep reaching out. Twing states he is working with Mark Tonello to get information on the rules for dredging.

Motion by Calvi, seconded by Bryan to adjourn the meeting at 8:10 P.M. All ayes, motion carried.

Dale E. Twing, Secretary

DRAFT

**Professional Services Agreement
Hess Lake Improvement Project
2023**

This agreement is made and entered into this 9th day of May, 2023, by and between the Hess Lake Improvement Board, hereinafter called the "Lake Board," and Progressive AE, hereinafter called the "Consultant."

In consideration of the covenants contained herein, the parties hereto agree as follows:

SECTION 1 – SERVICES

The Consultant will provide the following services related to the implementation of the Hess Lake Improvement Project:

A. AQUATIC PLANT CONTROL

1. Conduct three GPS-guided surveys of the lake during the growing season to determine the scope of work to be conducted by the plant control contractor.
2. Provide geo-referenced maps to the plant control contractor to guide plant control work.
3. Conduct surveys of the lake to evaluate contractor performance.
4. Coordinate plant control activities to ensure work proceeds in an environmentally sound and cost-effective manner.
5. Confer with an authorized Lake Board representative regarding nuisance aquatic plant growth and contractor performance.
6. Maintain a written record of the date, scope, and cost of plant control activities and prepare an annual summary of plant control activities including dates of treatment, herbicides applied, acres treated, and plants targeted.
7. Conduct a late-season hydroacoustic survey of the entire lake and measure plant bio-volume (i.e., the height of plants in the water column).
8. Conduct a late-season point-intercept survey in which GPS reference points are established at 300-foot intervals along the shoreline and across the entire lake. At each reference point, a thatch rake would be used to collect plant samples and the type and relative abundance of each plant species would be recorded.

B. WATER QUALITY MONITORING

1. Collect water samples from the surface, mid-depth and bottom from the three previously sampled deep water locations in Hess Lake and measure temperature, dissolved oxygen, and total phosphorus. Samples would be collected in the early morning in late summer to evaluate the potential for dissolved oxygen fluctuations and sediment phosphorus release. Data collected in 2023 would be compared to historical water quality data for Hess Lake.
2. Collect water samples from one upstream and one downstream location on Wheeler Drain during high and low-flow conditions and measure temperature, total phosphorus, total suspended solids and flow rate. This data would be analyzed to better discern the flow and sediment loading characteristics of the drain.
3. Prepare a written report of sampling results and findings.

C. LAKE BOARD WEBSITE

1. Create a Hess Lake Improvement Board website and content for posting including the lake management plan and other pertinent reports and information about the physical characteristics of Hess Lake and its watershed, lake water quality, the lake fishery, aquatic plants, useful links, and ongoing management activities.

D. PROJECT ADMINISTRATION

1. Attend Lake Board meetings and assist the Board with project administration.
2. Coordinate work activities and maintain communication with Carp Solutions LLC to gain additional information on carp spawning migrations and the efficacy of various trapping methods.
3. Review contractor invoices and guide the Lake Board in making payments to contractors.
4. Maintain contact with various groups including the Muskegon River Watershed Assembly, the United States Geological Survey, the Michigan Department of Natural Resources, and the Michigan Department of the Environment, Great Lakes, and Energy regarding Hess Lake.
5. Assist the Lake Board with public informational and/or public hearing proceedings.

SECTION 2 – PAYMENTS TO THE CONSULTANT

For services performed, the Lake Board agrees to pay the consultant as follows:

- A. The cost of the services outlined in Section 1(A) will be \$12,500.
- B. The cost of the services outlined in Section 1(B) will be \$4,500.
- C. The cost of the services outlined in Section 1(C) will be \$5,000. In future years, the estimated cost for annual maintenance of the website is \$1,500 per year.
- D. The cost of the services outlined in Section 1(D) will be \$14,000.

The total cost of the services outlined herein for 2023 is \$36,000. The Consultant will bill for its services on a stipulated sum basis at a rate of \$9,000 per quarter.

The Hess Lake Improvement Board and Progressive AE hereby execute this agreement.

PROGRESSIVE AE

By: Thomas Buteyn
Tom Buteyn
Chief Financial Officer, Principal

Digitally signed by Thomas Buteyn
Reason: I am approving this document
Date: 2023.05.10 13:31:54-04'00'

By: Anthony Groves
Anthony Groves
Senior Water Resources Specialist

HESS LAKE IMPROVEMENT BOARD

By: Bart W. Calvi
Bart W. Calvi
Authorized Representative
Hess Lake Improvement Board

The budget for the proposed Hess Lake improvement project is shown below:

**Hess Lake Improvement Project
Proposed Annual Budget
2021 Through 2025**

<u>Improvement</u>	<u>Annual Cost</u>
Aquatic Plant Control	\$64,500
Watershed Management	\$6,000
Administration and Contingency	\$10,000
Total Annual Cost	\$80,500

The Special Assessment District for Hess Lake includes all properties within 500 feet of the lake. Waterfront properties are proposed to be assessed 1.0 unit of benefit; back lot properties are proposed to be assessed 0.5 units of benefit; third tier are proposed to be assessed 0.25 units of benefit; and commercial lots are proposed to be assessed 2.0 units of benefit.

It is proposed that the \$80,500 annual cost of the project be assessed for a five-year period (2021 to 2025). The first installment of the assessment would appear on the December 2020 tax bill. Approximate assessments based on this approach are shown below:

**Hess Lake
Improvement Project Assessments**

	Assessment Units	2021-2025 Annual Assessment
Waterfront	1	\$168
Backlot	0.5	\$84
Third tier	0.25	\$42
Commercial	2	\$336