

**Hess Lake Improvement Board
Meeting
July 16, 2018
6:30 p.m.**

-AGENDA-

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of the minutes of the 5/14/2018 Meeting Minutes**
- 4. Public Comment-2 minutes**
- 5. Treasurers Report**
- 6. Old Business:**
 - Savin Report-Lake Treatment**
 - Tony Groves Report**
- 7. New Business**
 - Zebra Muscle found**
 - Cliff Bloom letter (dredging)**
- 7. Correspondence/Bills**
 - Richard Bosowski (Aeration Electric Bill) \$215.53**
 - Savin Bill (Mukk Busster Treatment and Diquat) \$11,595.70**
 - 2018 Treatment Notice Flyer**
 - Savin Lake Services Certificate of Liability Insurance**
- 9. Public Comment – 5 minutes**
- 10. Miscellaneous**
- 11. Adjournment**

Minutes
Hess Lake Improvement Board
May 14, 2018
10:00 A.M.

Board Members Present: Rosen, Twing, Lipner, Willet, Bosowski

Board Members Absent:

Also Present: Jessica Pieri-Drain Office, Tony Grove-Progressive AE

1. The meeting was called to order at 10:00 a.m. by Rosen

2. Election of Officers

Pieri took nominations for Chairman of Hess Lake Improvement Board

-Twing made a motion to nominated Cheryl Rosen as Chairman of the Board, seconded by Lipner. All ayes. Motion carried.

-Chairman Rosen took nominations for Vice-Chairman, Bosowski made a motion to nominate Katie Lipner as Vice-Chairman, seconded by Twing. All ayes. Motion carried.

-Chairman Rosen took nominations for Secretary. Lipner made a motion to nominate Twing as Secretary, seconded by Bosowski. All ayes. Motion carried.

3. Agenda:

Motion by Willet, seconded by Bosowski to approve the agenda. All ayes. Motion carried.

4. Approval of Minutes of 11/13/2017 Meeting

Motion by Willet, seconded by Lipner to approve the minutes of the 11/13/2017 meeting. All ayes. Motion Carried.

5. Public Comment: (2 minutes)

There were no public comments however Chairman Rosen would like to educate the public to let them know there is a two minute time limit on the first section of public comments, just to discuss the Agenda.

6. Financial Report:

Cash on Hand	\$71,489.95
Revenue:	\$ 42,957.15
Expenses:	
Contract Work	\$ 5,475.00
Secretarial	\$ 315.00
Materials	\$ 0.00
Post & Copies	\$ 5.51
Printing	\$ 60.75
Utilities	\$ 646.59
Mileage & Per Diem	\$ 0.00
DEQ Permit	\$ <u>1,500.00</u>
Total Expenses	\$ 8,002.85

Motion by Willet, seconded by Bosowski to approve Treasurers Report as submitted. All ayes. Motion carried.

7. Old Business:

Rich Bosowski-Aerators were turned on April 10th. Filters get changed every 3 months. Savin said they only need to be changed once a year, however all the studies and information that Bosowski has read it states that it wouldn't hurt to change them more. The warranty on the pumps also state to change them every 90 days as well. Bosowski has documented everything to show when he has changed them so there shouldn't be any issues. From last year to this year muck has moved back 6 feet roughly. The aerators seem to be working really well. Next meeting Bosowski stated he will have more information.

Tony Groves- First thing that's done with a study is old reports are compiled and reviewed. There are quite a few reports, Bob Ripstra sent Tony some reports as well. There is a wealth of data to work with. The historical water quality data is also looked at. A brief synopsis will be done with each report. Tony recommended to the board that a scanned copy will go to the board of all of the reports and Progressive would keep the originals. Progressive did an update of the mapping of the watershed. He has to do a final check before he finalizes. Tony will review Wheeler Drain as well. Spring samples were taken from the lake and tributaries back in April. Results should be back from the lab shortly. Samples will be taken later this summer as well so see if there are any new changes. Sampling and flow data will be collected from Alger Drain and Wheeler Drain to see what impacts they're having on the lake as well. A hydroacoustic survey of the lake bottom is going to be conducted as well to remap the lake bottom. A measurement of where the vegetation is in the lake and the heights of the plants in the water. The biggest concern right now is there isn't a lot of rooted plants in the lake. Right now there's just algae, and a lot of it. More rooted plants need to be introduced. Before the reports are handed out Groves will go over everything to make sure the information is all there.

Rosen asked if all of the studies that are done can be put on the county's website on the Drain Commissioner's page so residents can be directed where to go to find the information. Dale confirmed that it can be done. The board needs to review and approve any information before it's put on the County's webpage.

8. New Business:

Chairman Rosen stated that Matt from Savin was working on the assessments and that they were a little late because of the cold Spring we've had. Twing spoke with a rep from Fremont Lake Association at their meeting and she said everyone seems to be behind because of the weather.

Chairman Rosen questioned whether Savin was told not to do muck pellets in their cove. Co-Chair Lipner couldn't recall. Chairman Rosen wanted to do just the aeration and not do muck pellets until there was more documentation provided stating that the muck pellets do work. Co-Chair Lipner suggested getting in contact with Matt from Savin to verify.

Twing contacted Savin to speak with Matt and Matt stated that last year they decided to continue to use muck pellets until the Fall of 2018 and at that point there would be enough data to show if they truly worked or not. Some individuals were seeing improvement with the muck pellets. People in the bays have been seeing a noticeable reduction. Twing asked if Savin had an updated schedule yet, Matt stated it would probably be the first of June, possibly June 1st-7th. That's when they are planning on being in the Newaygo area. Water temps are just getting to the point where they're warming up. Matt stated they're still doing surveys so an exact date for Hess isn't available. He stated it is probably going to be the 4th. Chairman Rosen asked Matt if all the algae they're currently seeing is from all the rain that has come. Matt stated that colder weather for a long time, and then some really warm weather came before the rain. Once the rain came algae blooms occurred. The problem with before last week was the water temperatures were not warm enough to treat. The water temperature has to be above 60 degrees before it can be treated successfully. Algae does not get treated on Hess Lake, but Matt instructed to call him if the algae is still bad in a couple of weeks and Savin can do a small algae treatment. It's been 2 Summers since algae has been treated on Hess Lake.

9. Correspondence/Bills

Motion made by Willet to pay Progressive AE in the amount of \$5,000.00, seconded by Twing. All ayes. Motion carried.

Twing passed out flyers for the annual Household Hazardous Waste Collection Day so the board could notify the residents around the lake about it.

Bosowski stated they have a Carp shoot on the whole lake starting May 25th going up to June 10th. The board pays \$2.00 per Carp for the first 100. Anything after that \$1.00 per carp. It's done to reduce the population. Anyone is welcome to participate.

Bosowski asked for a copy of the dam inspection once it's done. Dale said he would provide everyone with a copy once he gets it.

10. Public Comment (2 minutes)

Chairman Rosen informed the board that the second time frame for public comments should last 2 minutes per public comment and it can be about anything that the public would like to bring up. If their comment goes past the two minutes it can carry over as long as there's merit to the discussion.

11. Miscellaneous

Next meeting is July 16th at 6:30 p.m.

12. Adjournment

Motion by Bosowski, seconded by Lipner to adjourn the meeting. All ayes.
Motion carried.

Meeting adjourned at 11:01 a.m.

Dale E. Twing, Secretary

**Financial Report for Hess Lake Improvement Board
For 7/16/2018 Meeting**

Revenues and Expenses from 10/01/2017-7/11/2018

REVENUES	
Special Assessments	\$45,000.00
Total Revenues	\$45,000.00

EXPENSES	
Contracted Work	\$17,070.70
Secretarial	
Postage/Copying	\$5.57
Printing/Publishing	\$60.75
DEQ Permit Fees	\$1,500.00
Utilities	\$1,077.65
Per Diem	\$495.00
Total Expenses	\$20,209.67

Beginning Balance	\$36,535.65
Revenues	\$45,000.00
Expenses	-\$20,209.67
Total Cash on Hand	\$61,325.98



Bloom Sluggett, PC

COUNSELORS & ATTORNEYS

Clifford H. Bloom
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Direct Fax (616) 965-9352
cliff@bloomsluggett.com

October 17, 2017

Mr. Cory Nelson
Township Supervisor
Brooks Township Offices
490 Quarterline Road
P. O. Box 625
Newaygo, Michigan 49337

**Re: Brooks Township
Possible dredging of Hess Lake and Brooks Lake**

Dear Cory:

This letter is in response to your recent request for a legal opinion regarding several issues relating to the possible dredging of two lakes within Brooks Township (the "Township") – Brooks Lake and Hess Lake.

FACTS

Both Brooks Lake and Hess Lake have long had aquatic weed problems, as well as bottomlands filled with silt in portions of the lakes. Chemical treatment of the aquatic plants over the years has not thoroughly resolved the problem.

You have indicated that both lakes have a statutory lake improvement board in place pursuant to MCL 325.30901 *et seq.*

A number of lake property owners desire to have their respective lakes dredged in certain areas, both with regard to depth and the amount of silt. Much of the dredging apparently could be done by so-called "suction dredging." Those lake property owners have asked how the dredging could be legally accomplished and whether the Township would contribute any monies toward the dredging efforts.

Please let me know if any of the above facts as they have been passed onto us are incorrect, as that could change one or more of the legal opinions or discussions contained in this letter.

DISCUSSION

Interestingly, no Michigan statute expressly authorizes a township to dredge a lake. MCL 41.722(1)(n) (a portion of Public Act No. 188 of 1954) does indicate that a township can utilize a special assessment to fund the dredging of a lake, but does not expressly authorize townships to engage in the dredging activities themselves. Clearly, however, a Michigan

statutory lake improvement board created and operating pursuant to MCL 324.30901 *et seq.* can engage in dredging operations for a Michigan lake if authorized by the resolution or other document that created the statutory lake improvement board involved. Accordingly, to the extent that dredging is pursued on one or both of the lakes involved, the respective statutory lake improvement board would be the best authority for pursuing such dredging. If the original documents creating the particular statutory lake improvement board do not encompass dredging, then such document or documents should be formally amended.

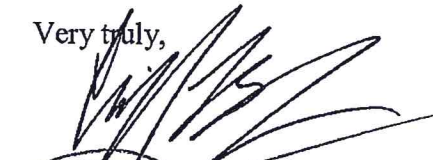
Pursuant to statute, a Michigan statutory lake improvement board also has the authority to create a special assessment district and levy special assessments for lake dredging purposes.

Can the Township contribute monies out of its general fund to defray the costs of such dredging? Under Michigan law, a township can only spend funds on a matter that involves a "public purpose," unless a specific statute provides otherwise. MCL 41.418 does authorize a township to spend money out of its general fund on aquatic weed treatment purposes for a public lake, but does not expressly mention dredging. To the extent that the lakes involved have public access sites and are used extensively by the general public, then the Township likely could lawfully contribute reasonable sums to the statutory lake improvement board involved for dredging purposes. However, it probably would not be reasonable for the Township to contribute half of the funds involved, given that a significant portion of the benefit from the dredging would accrue to the owners of private properties around the lakes.

Dredging cannot be done in either of the lakes without prior formal approval and a permit from either the Michigan Department of Environmental Quality or the Michigan Department of Natural Resources. It is also not clear whether those state agencies will require the written consent of every lakefront property owner on the lake involved to authorize dredging. In Michigan, lakefront or riparian property owners on an inland natural lake typically own a portion of the bottomlands to the center of the lake. See *Hall v Wantz*, 336 Mich 112; 57 NW2d 462 (1953); *Gregory v LaFaive*, 172 Mich App 354; 431 NW2d 511 (1988); *West Michigan Dock & Market Corp v Lakeland Investment*, 210 Mich App 505; 534 NW2d 212 (1995). In general, those bottomlands cannot be altered without the consent of the adjacent lakefront property owner. It is not clear under Michigan law whether the bottomlands of a particular riparian or waterfront property owner can be dredged without that owner's consent.

Please do not hesitate to contact me should you or any other Township official have any further questions regarding these matters.

Very truly,



Clifford H. Bloom
Township Attorney

cc: Township Clerk

Aeration Account

Newaygo County
Drain Commissioner

JUN 20 2018

Soil Erosion
Received

June 18, 2018

Hess Lake Improvement Board
c/o Newaygo County Drain Commissioner- Mr. Dale Twing
306 S North Street P.O. Box 885
White Cloud, Mi. 49349

Mr. Twing

Subject: Hess Lake Aeration System Electric Bill

1249 Hess Lake Drive Grant Mi. 49327

For July the cost is \$215.53 based on this billing starting from May 11, 2018 thru June 11, 2018. As per your instructions I am sending the bill to the Public Works for payment. I would like the check mailed to my home address at: 2215 North Stewart Road Charlotte Mi. 48813.

Any questions please contact me at 517-930-0297.

Sincerely,



Richard Bosowski



3088 Hottis Rd Hale, MI 48739
 Phone: 1-877-SAV-LAKE Fax: (989) 516-5900
 www.lakeandpond.com

Bill To
Hess Lake Improvement Board C/O Newaygo County Drain Commissioner 306 S. North St. White Cloud, MI 49349

Newaygo County
 Drain Commissioner
 JUN 18 2018
 Soil Erosion
 Received

Invoice

Date	Invoice #
6/13/2018	4069

Remit To
Savin Lake Services, Inc. 3088 Hottis Road Hale, MI 48739

P.O. Number	Due Date
	7/13/2018

Acres Treated	Description	U/M	Price Each	Amount
35	Mukk Busster Treatment		275.00	9,625.00
10	Diquat - Native Plants		197.07	1,970.70

Please remit to above address.	Total	\$11,595.70
	Payments/Credits	\$0.00
	Balance Due	\$11,595.70



Toll Free: 1-877-SAV-LAKE
Hale: (989) 728-2200
Fax: (989) 516-5900

3088 Hottis Rd. • Hale, MI 48739

2018 LAKE TREATMENT NOTICE – PLEASE READ - IMPORTANT

The residents of your lake are planning to have the lake treated with aquatic herbicides to control lake weeds, and algae.

This notice is being circulated at least (7) days in advance of the initial treatment in accordance with Michigan Department of Environmental Quality (MDEQ) requirements. This notice will only be sent once this season, however we will perform several applications. Each time that we treat your water body – we will post new brightly colored 8.5" x 11" signs. You are receiving this notice if you are in the proposed treatment area, or if you are within 100 feet of the treatment area. As a courtesy, this notice may also be sent to adjoining subdivisions, and property owners that have deeded access to the lake.

Please keep this notice, as you will NOT receive additional notices for each treatment. A permit for this treatment will be secured from the MDEQ before any work is performed. The timing for each lake treatment is dependent on conditions like weather, water level, and water temperature. For this reason, we cannot predict treatment schedules. Our initial treatments usually occur between middle May and middle June. Please watch for the posting of your lake. We will be treating more than once this season. Posted signs will indicate the aquatic herbicides utilized, and the associated water restrictions. All aquatic herbicides & algaecides are approved by the State of Michigan and the Federal EPA, and are applied in amounts approved by the MDEQ. When these products are applied at the approved application rate, the aquatic herbicides & algaecides are not harmful to fish or wildlife. We anticipate using one or more of the products listed below. Please be aware of the associated water use restrictions on each.

PLEASE READ THE SIGNS POSTED AND DO NOT REMOVE THEM UNTIL ALL RESTRICTIONS HAVE EXPIRED. THANK YOU.

AQUATIC HERBICIDES & ALGAECIDES, AND THEIR ASSOCIATED WATER-USE RESTRICTIONS ARE AS FOLLOWS:

Granular 2-4D (like Navigate, Sculpin G): Do not use the treated water for swimming for 1 day. Do not use the treated water for irrigation, agricultural sprays, watering dairy animals, or domestic water supplies for (14) days. "Irrigation" includes watering gardens, but does not include watering lawns. Watering lawns when only 2,4-D has been applied will not hurt your lawn. "Domestic use" means using lake water inside your dwelling. Fish and wildlife are not affected at the applied application rates. There is NO restriction on fish consumption.

Diquat Dibromide (like Littora, Reward, Alligare, Tribune): Do not use the treated water for swimming or livestock consumption for 1 day. Do not use water for drinking or irrigation for 5 days. There is NO restriction on fish consumption.

Endothal Products (like Aquathol K, Hydrothol 191): Do not use the treated water for swimming for 1 day. Do not use the water for household use, irrigation (lawns or gardens), animal watering (farm stock), or similar uses for 5 days. There is NO restriction on fish consumption.

Flumioxazin (like Clipper): Do not use the treated water for swimming for 1 day. Do not use the water for household use, irrigation (lawns or gardens), animal watering (farm stock), or similar uses for 5 days. There is NO restriction on fish consumption.

Copper Sulfate & Chelated Copper Algaecides (like Triangle Brand-Crystal, Chem One Ltd. Copper Sulfate Pentahydrate, Old Bridge Inc., Algimycin-PWF, Cutrine-Plus, Cutrine-Ultra, Cutrine-Plus Granular, Symmetry, Captain): No water-use restrictions with the use of any of these products.

Chelated Copper Herbicides (like Komeen, Nautique, Harpoon & Current): Do not use the treated water for swimming for 1 day. There are NO restrictions on watering (irrigation) or fish consumption.

Triclopyr (like Renovate 3, Renovate OTF, Navitrol DPF): Do not use the treated water for swimming for 1 day. Do not use water for irrigation of any plants (except for established lawns/grasses) for 120 days. There are NO irrigation restrictions on established lawns / grasses or fish consumption.

Fluridone (like AVAST or Sonar): Do not use the treated water for swimming for 1 day. Do not use the treated water for watering established tree crops for 7 days. Do not use treated water for irrigation of established crops / turfs / plants / newly seeded vegetation for 30 days. There is NO restriction on fish consumption.

Imazapyr (like Habitat, AquaPier): Do not use the treated areas for swimming for 1 day. Do not use water for irrigation for 120 days. There is NO restriction on fish consumption. These products are used primarily for aquatic emergent control (Lily Pads, Cattails, Phragmites etc.).

Imazamox (like Clearcast): Do not use the treated areas for swimming for 1 day. Do not use water for irrigation for 1 day. There is NO restriction on fish consumption. These products are used primarily for aquatic emergent control (Lily Pads, Cattails, Phragmites etc.).

Glyphosate Products (like AquaPro, AquaStar, AquaNeat): These products are used primarily for aquatic emergent control (Lily Pads, Cattails, Phragmites etc.). Do not use the treated areas for swimming for 1 day. There are NO restrictions on watering (irrigation) or fish consumption.

Adjuvants (like Cygnet Plus, Agridex, Poly An): May be used in conjunction with other liquid herbicides and/or algaecide products and DO NOT have any additional water-use restrictions associated with their combined uses.

If you have any questions, please contact your primary lake management contact person. If they cannot answer your questions we can be reached at the phone numbers above.

Thank You - Savin Lake Services Inc.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/06/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Diebold Insurance Agency 817 W Houghton Ave. P.O. Box 188 West Branch MI 48661		CONTACT NAME: Jackie Rachow PHONE (A/C, No, Ext): (989) 345-0200 E-MAIL ADDRESS: jackie@dieboldinsurance.com		FAX (A/C, No): (989) 345-0232	
INSURED Savin Lake Services, Inc 3088 Hottis Rd Hale MI 48739		INSURER(S) AFFORDING COVERAGE			
		INSURER A: Great American Insurance Group			
		INSURER B: Motorists Insurance			
		INSURER C: Liberty Mutual Group			
		INSURER D:			
		INSURER E:			
		INSURER F:			

COVERAGES

CERTIFICATE NUMBER: CL186606017

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			OMH4016593	05/01/2018	05/01/2019	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$
							BODILY INJURY and	\$ 1,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY			5000008262	05/01/2018	05/01/2019	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> UNINSURED/UNDERINSURED						Uninsured/Underinsured	\$ 1,000,000
	<input type="checkbox"/> UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE	\$
	DED	RETENTION \$						\$
C	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC53455479280	05/23/2018	05/23/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT	\$ 100,000
	<input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

HESS LAKE IMPROVEMENT BOARD C/O NEWAGO CO DRAIN
306 S NORTH ST

WHITE CLOUD

MI 49349

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE