SYNOPSIS OF TT FLOODING TASK FORCE SUB-COMMITTEE MEETING - Sept. 4, 2019

ATTENDEES: Jeff VanBelle, County Drain Commissioners Office; Tom Wheat, Prine&Newhof; Nick Loeks, Tim Brown, & Julie VanderWiere, Texas Township; Ted Gruizenga, Texas Township Tax Assessor; Russ Walters, Jim Roberts, Crooked Lake; Len Bosma, Phil DeYoung, Tom Rogers, & Gerry Robbins, Eagle Lake; Nick McLaughlin, Pine Island; Clare Todd, Bass Lake; Mark Rose, Vineyards plat.

MEETING AGENDA

1. **Tax Assessors Report**
2. What lies ahead
3. Timeline
4. **Drain Commissioner Feedback**
5. Petition Language
6. MOA (Lake associations/Drain office)
7. LLL input (e.g. 899.84’ vs. 898.4’ for Eagle)
8. **Envisioned SAD**
9. Tom Wheat – Easement progress report
10. Tom Wheat – Cost research
11. SAD assessment
12. One SAD or two?
13. Who’s in
14. Apportionment
15. **Proposed joint meeting on Petitions at KVCC**

Len asked for any additions to the agenda. Two items were raised for inclusion: (1) need for lawyer fees paid by associations for this effort, (2) recommendation to update Master plan for township.

1. **Tax Assessors Report:** Ted Gruizenga gave an overview of the assessment process. Official Tax Day of Dec. 31 sets the 2020 assessments. The Flood Damage Survey will again be available online around October 1st for property owners to register property loss/damage. Property owners that do not respond by way of the survey will not be reviewed for assessment reductions. At that point, the only option will be the Board of Review. The assessors office has a 24 month time frame (the first 3 months of 2019, all of 2018, and the last 9 months of 2017). Board of Review does not have the 24 month limitation. Some assessments may go down, there may be an affect on values for as much as 5 years. Please note: In those cases of long term ownership, Taxable values in some cases may still increase, even while assessments drop due to a lower tax assessment. The first focus will be properties in the SAD. We are reminded that those properties included in the SAD will be those where it can be demonstrated that they would derive benefit. It is expected that there will be some relationship between the SAD and those properties reviewed by the assessor.
2. **Drain Commissioner Feedback:**
3. Petition Language - Jeff reported that there should be no problem with “tweaking” the petition language.
4. MOA - In terms of the Memorandum of Agreement (MOA) the Drain Office has no authority to sign this document until they are granted jurisdiction by the County Board. However, it is possible for the Drain Office to sign an informal Letter of Agreement ahead of getting jurisdiction from the County board stating there is no problem with the lakes maintaining oversight of the augmentation wells. This letter could be formalized with a MOA once the Drain Office has been given the authority by the County Board. In terms of the SAD itself, Jeff reports that Stacy Abrams (legal lake level guru for the State of Michigan) advises that the project will be one SAD, with a single court hearing for both lakes, not separate hearings as was earlier suggested by Jeff. Once the petition process begins, if the target number of signatures can not be reached, Jeff would still bring the project to the County Board, who can still approve the project.
5. LLL Input - There have been different numbers used over the years related to the elevation of Eagle Lake, principally 899.84’, and 898.4’. Tom Wheat gave a history of the numbers. The historic ordinary high water mark 898.4 number is used by the DEQ. Conversely the 899.84 number is used by the township for setback purposes. The township uses the setback number of 60 feet from the shoreline for construction, however the fluctuating lake level caused this to vary. So the township established the 899.84 number to achieve consistency in setting the setback of 60 feet from the shoreline. This 899.84 number was set by a committee established by Texas Township in 2008 charged to decide a “normal lake level” number to use for establishing set-back regulations for construction on the lake. The committee went around the lake by boat looking at water marks on the shoreline, and after consulting some residents established the 899.84’ number as the “normal lake level”. This number has been used since then for setting the operation limits of the augmentation well. The concern expressed by Pine Island and Vineyard residents is that whatever number is used for drainage of Eagle Lake still allows for drainage for these two areas. Tom will have to collect several types of data including but not limited to, historical levels, septic systems, resident input, & augmentation well history to establish a proposed level, which may or may not be similar to either of the above numbers.

The petition process will need to be done first, then the study to establish the LLL number for each lake.

Tim suggests that the petition (and discussions with residents) should focus on the benefits to be derived by the long term solution, and not the different lake level numbers that are in circulation.

1. **Envisioned SAD**
2. Tom Wheat – Easement progress report - During discussion with “Land Matters”, the firm being used to establish easement values, it seemed one of the six easement figures seemed “out of whack”. It has been revised to what seems a more reasonable number. These values have been presented to Ted Gruizenga, who reviewed and is in agreement with them. Tom feels ready to form a team to go out and approach the easement property owners. The six easements are projected to cost roughly $45,000.00. The question at this point is under what authority the team can approach property owners. The property owners would we be asked to sign a provisional Letter of Agreement, indicating their willingness and intention to sign the actual easement documents when appropriate in the process. Tom will form a team of himself, Jeff Van Belle, Julie VanderWiere and Amy Coon to approach residents involved with the easements.
3. Tom Wheat – Cost research - Project costs have been reviewed, and preliminary estimates are that Crooked Lake residents would expect a cost of roughly $1,750.00, and Eagle Lake residents roughly $2,600.00. The disparity is due to the additional costs required to cover a greater distance to connect Eagle Lake to Crooked Lake, as well as obtaining four easements as compared to two. The overall cost of the Eagle Lake portion of the project, divided among the likely affected residents to be included in the SAD, results in a slightly higher cost to the Eagle Lake residents. If the project were to be evenly divided among all residents of both lakes, the cost would be roughly $2,250.00 per property.

The judge will only be approving the outer boundary of the SAD.

The assessments must be fair and defendable. The cost to Eagle residents may be higher than Crooked residents.

After the Drain Commissioner has the petitions and proposed SAD, the documents are presented to the County Board for review. The County Board is the legal body that would have authority over the project. The easements would be an agreement between the property owner and the County. The County would establish hearings for public comment.

A portion of the SAD funds would be set aside and invested to cover long term maintenance of the system.

1. Added item to agenda. Crooked Lake feels the need to involve an attorney to advise on the correctness of documents, etc., and suggests that Eagle Lake should join in and assist with the necessary funding.
2. **Proposed joint meeting on Petitions at KVCC:** In preparation for a community meeting, Tom needs to secure the Letter of Intent on the easements, and the petition language needs to be approved. The goal is to have petitions available at the community meeting for residents to sign.

Consideration needs to be given as to possible overlap of the short-term solution SAD and the long-term SAD. The first bill for the short-term SAD will be received in December of 2019, with a due date of February of 2020. Subsequent bills would be due in February of 2021 and 2022.

The long-term SAD impact needs to be considered. SAD 1 was set aside during the 3 year term of the short-term SAD, and will resume at the conclusion of the short-term SAD in 2022.

Ju;ie VanderWiere will contact KVCC to try to set a date (preferences are Oct. 3rd or 17th) for a joint community meeting to present the petitions to both Crooked and Eagle lake residents for signature.

In preparation for that meeting, Tom will try to secure the easement Letters of Intent during the next couple of weeks. The lake association participants (only) of this sub committee will meet again on September 19th to finalize the petition language to be presented at the meeting and to finalize the agenda for the joint meeting of lake residents.

Respectfully submitted by Phil DeYoung