

ELTA Special Board Meeting Minutes

August 8, 2018

6:30 PM

Texas Township Hall

Agenda

Deputy Drain Commissioner Jeff Vanbelle to discuss short-term and long-term solutions for the high-water.

Roll Call

This meeting was open to the public and it was a packed house.

President's Opening Remarks

Amy welcomed everyone and congratulated our membership committee on doing a great job with our overall membership numbers. She discussed the board's efforts to get a comprehensive official board email list (as opposed to the mass emails that have been going around). The official list would not allow for "reply all" responses. She described the numerous short-term ideas various neighbors have proposed and efforts to investigate the same.

Drain Commissioner Discussion

Jeff explained that there are 2 functions of the drain commissioner: legal lake levels and storm drains where an easement is in place. He stated that unless a legal level is set by a judge, then they have no authority and no ability to do anything. He said that in 2008 he was out to North Eagle Lake Drive when they had flooding and he told people then that a legal lake level needed to be established for them to do something.

Eagle lake is up over 4 feet as measured on the north end. We are at a 55 year high as far as he can tell.

He described that Mattawan is heavily flooded right now and the water table is very high. We don't have a drain system in place in this Township. Kalamazoo will not allow pumping into the sanitary lines (they have asked several times, but sanitary won't allow it due to the possibility of blockage, disruption of the PH balance...etc.).

Jeff is pushing for establishing a legal lake level. He says we need to do it with Crooked Lake because the lakes are so intertwined. He explained that a judge needs to order the legal lake level, which he didn't think would take too long since we have so much historical data collected and presented nicely in prior reports. A SAD would then need to be created to pay for the project.

He explained that this is a regional problem and it isn't isolated to just us. Everyone in a 40-mile radius is experiencing a similar phenomenon, but we appear to be at or in

ground zero.

He has an idea that might work, but it would need to pass engineering and feasibility before it could get much steam. He was somewhat vague on his idea and he said that was intentional because he didn't want to get anyone's hopes up without having the data to back it up, and they can't get the data to back it up unless we petition to set a legal lake level.

Jeff stated that they had done this at Sunset Lake in Vicksburg; they used Wightman and Associates and he would suggest using them again for the engineering portion of this since they have been through it and know the process. The Sunset Lake study cost \$9k from Wightman and Associates. Wightman came up with the first number, and Jeff called the president to explain that they likely needed a higher level to prevent weed growth. There was some negotiation and a new number was presented.

There were questions about how long this process might take. Jeff explained that he would be surprised if we could establish the legal level prior to the end of the year (which is step 1). After that a lot of diligence would need to be performed (surveying, engineering, feasibility studies...etc.). He later indicated that his best estimate would be another year and a half to two years before the project would be complete.

A question was asked whether the drain commissioner could meddle with our lake once the lake level is established. He explained that they are not looking for work, and they have a \$10k limit on any project without getting a new petition. He explained that he didn't want anything to do with our well pump.

He explained that a judge could decide not to establish a legal lake level if a swarm of opposition came into court to fight the level or want a higher or lower level.

There was someone who suggested that we have Western Michigan University take a look at this issue since they look for opportunities for real life experience for engineering students. Amy indicated that a meeting has been scheduled to discuss this with WMU and it is taking place in a few weeks. Jeff explained that they are trying to get USGS to get involved here too to study the water table in Kalamazoo County and have more monitoring wells.

Jeff explained that the assessment district is recommended by the engineers and then affirmed by the judge. It has to be a benefited property owner to be part of the assessment district.

Jeff stated that this is a slow release process. We can't have a huge pipe and dump tens of thousands of gallons in a hurry or it would be very damaging downstream (wherever that may be).

The Crooked Lake and the Eagle Lake project would really be one project, but we need both to establish a legal lake level.

Brett asked him to further explain the procedure involved. It takes 2/3's of the affected

population (land mass) to petition for delegation of the authority to the drain commissioner. Then the drain commissioner petitions the court (likely at our expense and using an attorney of our choosing) to get court time. The engineers testify, the drain commissioners are there and may testify, the general populace affected have an opportunity to testify, then a judge makes a decision. That is just the process to establish the legal lake level, after that there are engineers and feasibility studies and surveying prior to any greenlight to start the project.

Jeff admitted that his idea is currently “half-cooked.” He can’t put the money into doing the studies unless we get the lake levels legally established.

The SAD goes through a day of review where people are allowed to dispute inclusion in the district.

Jeff estimated that the project would take 2 years from conception to completion. This is not a short-term fix, but there are no viable short-term fixes that have been discovered to-date.

Amy asked everyone to raise their hand who were in favor of the board (and residents at-large) starting the petition process to set the legal lake level. By Brett’s estimate, it appeared that 85-90% of those in attendance were in favor of moving forward with the petition.

The meeting was adjourned at 8:00 pm