

SYNOPSIS OF TT FLOODING TASK FORCE SUB-COMMITTEE MEETING - August 20, 2019

ATTENDEES: Jeff VanBelle; County Drain Commissioners Office, Tom Wheat; Prine&Newhof, Nick Loeks, Tim Brown, & Julie VanderWere; Texas Township, Russ Walters, Jim Roberts; Crooked Lake, Len Bosma, Phil DeYoung, & Tom Rogers; Eagle Lake, Nick McLaughlin; Pine Island, Clare Todd; Bass Lake

Agenda Items: **1- LEGAL LAKE LEVEL COST**

- A- All steps identified?
- B- Cost control?
- C- Who pays?
- D- Setting the level for the petition
 - 1- Memo of Agreement:
 - A- Set level (eg. Eagle Lake 899.84, Crooked Lake 894.5)
 - B- Drain above that level
 - C- Augmentation pump on 8" below level, off 4" below level
 - D- Signed by Drain Commissioner, ELTA & CLTA

2- PROJECT SCHEDULE

- A- Is everything identified?
 - 1- Other steps, permits, etc.
 - 2- Other parties, EGLE, etc.
- B- Can we go faster
- C- Public hearings

3- PROJECT REVIEW

- A- Cost 1.7M
- B- Design updates
- C- Easements

1A-All steps identified: Len gave an overview of the agenda for the meeting, which all accepted.

1B-Cost control: Tom Wheat explained the cost estimate page he had prepared. Among the points covered was the "Land Matters" process of establishing easement costs based on property values. Easement costs are estimated to be between \$50,000 to \$80,000. The question of payment for Toms work was raised. The TT Board committee of the whole has discussed this and will need some firm numbers to proceed. Property owners where easements would be needed would be approached and asked to sign a letter of intent to agree to provide an easement. If these conversations are successful the next step would be the petition process, which would be in the hands of the associations. TT can not pay for legal advice on petition language. A spreadsheet of riparian owners would be required to proceed with petition and signature verification. Jeff VanBelle is working with Stacy Abrams (legal lake level guru for the State of MI) to determine the appropriate petition language. County attorney needs to approve the petition language. If possible, the Memo of Agreement language should be included in the petition. Collected petitions get turned over to the Drain Commissioner to move forward. Process moves from the Lake Associations to the County Board, and from the County Board on to the Drain Commissioner. It is suggested that EGLE is involved early on to make sure there are no later road blocks, as in understanding the operation of the horizontal well. It seems best if an association rep, Jeff and Tom meet with the easement property owners to secure the pre-agreements.

ACTION POINTS:

- 1- Nick to ask TT Board for approval for up to \$30,000 to cover engineering costs.
- 2- Jeff to consult with Stacy (and if possible including reps from this group) re. Memo of Agreement, assurance to Lake Boards that they will retain control of augmentation pumps.
- 3- Tom to establish who goes to meet with easement owners. Values may be impacted by buildable setbacks. Tom will check with Land Matters to see if they have a form available to use as a letter of intent to sign the actual easement.

- To keep in mind - TT can pay for engineering costs, but not legal costs.
- Easement agreement is actually between County and the Land Owner
 - "Snow-Birds" encourage petition signing before folks go south for the winter

Nick McLaughlin from Pine Island stated that the LLL set for Eagle must permit ground water to flow from Pine Island to Eagle.

2-PROJECT SCHEDULE: Tom went through the estimated timeline:

| | |
|--|-----------------------|
| Easement Valuations | In Progress |
| Easement Discussions with Property Owners | Sep-19 |
| Prepare Petitions and Begin Circulation | Oct-19 |
| Petition Verification | Dec-19 |
| Submittal to County Board for Consideration | January-February 2020 |
| Lake Level Study | Mar-20 |
| Township/County/Drain Commissioner Review | Apr-20 |
| Schedule Circuit Court Docket | Aug-20 |
| Create Assessment District: | Complete by Aug-20 |
| Appeals period End | Sep-20 |
| (Short term pumping to stop on the 30th per the permit: possible MDEQ permit extension) | |
| Design Complete | Dec-20 |
| (Easements sunset December 22: Extensions of easements upon owner permission) | |
| MDEQ Permitting | Mar-21 |
| Bidding | Apr-21 |
| Begin Construction | May-21 |
| Complete Construction | Aug-21 |

Design completion will require additional work to establish grade, etc.

Project will probably require 2 public hearings.

Unlike the short-term solution, the cost of the long term will be a 35%/65% split, with the township, county and road commission splitting up the 35%, and the affected residents the 65%

It is expected that soon (hopefully during September) there will be a public meeting to be held at KVCC to explain the project to the public. In anticipation of concerns that could reasonably be expected, we need to be prepared to address the following issues:

- 1- Cost
- 2- Potential loss of control of augmentation wells
- 3- Effect on property values
- 4- 1 project including both lakes and 1 SAD as opposed to separate projects and SAD's for each lake
- 5- Possible disparity in cost for residents of the two lakes based on cost of the project to each lake and the number of residents impacted to meet those costs. If there is 1 SAD, it may be necessary to apportion the costs.

It will be up to a judge to approve the LLL, and the outer boundary of the SAD. However, the Judge does not deal with the cost of the project

Tom will run the numbers by dropping out the 35%, figure the cost for the individual lakes, and divide it out by the number of parcels. These numbers will be available at the next sub-committee meeting.

It is anticipated that when all is said and done, because of the cost sharing with the differing governmental entities, the cost to property owners for the long term solution should be lower than that of the current short term solution.

The next subcommittee meeting (date to be determined) will focus on the envisioned SAD – costs, geography and potential tiers.

Respectfully submitted: Phil DeYoung