

## SYNOPSIS OF LEGAL LAKE LEVEL SUB-COMMITTEE MEETING - July 16, 2019

ATTENDEES: Jeff VanBelle; County Drain Commissioners Office, Tom Wheat; Prine&Newhof, Nick Loeks; Texas Township Board, Lisa Newby & Jim Roberts; Crooked Lake, Len Bosma, Amy Coon, Phil DeYoung, & Tom Rogers; Eagle Lake, Nick McLaughlin; Pine Island

### Agenda Items: **1- LONG TERM SOLUTION**

- A- Filters
- B- Route
- C- Cost
- D- Easements
- E- Timeline
- F- SAD

### **2- LEGAL LAKE LEVEL (LLL)**

- A- Augmentation Well
- B- Association Input
- C- Unified Effort
- D- Petition Drive
- E- Legal Advice
- F- Funding

**1A – Filters:** The question of the need for a filter (horizontal well) for Eagle Lake like the filter proposed for Crooked Lake was addressed by Tom Wheat, who agreed that this would be of benefit, assuring that the water being sent to Crooked Lake has been filtered. The need for this was anticipated, and the cost of the filter has already been included in the project estimate.

**1B – Route:** Tom Wheat had prepared and shared maps of the proposed route for the drainage pipes. The proposed route from Eagle Lake to Crooked Lake will require obtaining 4 or 5 easements, as well as following the route of the current sanitary sewer system easement along PQ Ave. The route from Crooked Lake will require a single easement. Neither easements or permission will be required from residents of Bass Lake or downstream.

**1C - Cost:** Total project cost is estimated at roughly 1.7 million dollars.

**1D – Easements:** The cost of the easements will need to be determined. Tom will consult with Land Matters to help determine the values of the properties where easements will be required. Easements could impact the location of future construction of permanent structures on the affected properties. An effort will be made to determine a fair value of the easement prior to talking with the land owners. With values in mind, the owners will be presented with the plan concept, and asked to provide the needed easements. Jeff VanBelle is on board with the concept and proposed route.

**1E – Timeline:** Petition drive will be held off until easements are secured. The goal at this point is to secure the easements before the end of August. The current short-term pumping permit runs through until September 30<sup>th</sup>, 2020. The short-term easements run through December of 2020. Construction of the long-term solution can not begin until the short-term project ends; the piping for the short-term system will be repurposed for the long-term solution. Long-term construction would likely begin in the Spring of 2021. Tom Wheat will prepare a timeline to show the transition period from short-term to long-term.

**1F – SAD:** SAD would likely consist of three tiers; tier 1 - Lake frontage lots, tier 2 – flooded properties not directly with lake frontage, tier 3 – other properties that would directly benefit from reduced water involved. Culvert and drainage ditch locations would be considered. Task Force members will be involved with providing input following initial identification of tiers. Public meeting required to explain the district. A judge needs to affirm the district as well as the legal lake level. Some residents (in particular those to the north of North Eagle Lake Drive) may already be required to provide funding to alleviate the flooding in their area, and efforts may be needed to assure they are not overly burdened with cost. These “outliers” may be somewhat covered by the contribution of the County Road Commission.

**2A – Augmentation:** Jeff VanBelle is willing to sign a “Memorandum of Understanding” (MOU) that provides operating guidelines that the lake associations (Crooked and Eagle) would utilize for pumping operations of the augmentation wells. Jeff further indicated he is not interested in being involved in the operation of the augmentation wells. Jeff does not consider augmentation wells to be part of his role in any long term drain project.

**2B - Association Input:** Operating Guidelines will be provided by each lake, and would specify parameters for the operation of the augmentation wells. Seasonal (summer/winter) water levels could be included in the parameters. The Memorandum of Understanding between the lakes and the Drain Commissioner is thought to be of benefit to reassure lake residents that they are not losing control of the lakes, but will not actually be written in as a part of the Long-Term project. The Drain Commissioner will use Prine&Neuhof research along with Lake Association input, and surveyor input to help determine the LLL to be established.

**2C – Unified Effort:** Each lake (Eagle and Crooked) will work independently to determine the appropriate levels for the individual lakes. The long-term project however is one project, under one SAD. A petition signing event is envisioned to be held (perhaps at KVCC) to present the information to the public, and obtain as many signatures as possible at one time. A separate judicial hearing would be held for each lake.

**2D – Petition Drives:** Subcommittee members discussed and subsequently agreed that lake association “petition drives” should not start until easements are obtained. This would ensure that the information provided to residents used in the petition drives has been properly vetted. Tom Wheat hopes to have the easement agreements completed in August.

**2E – Legal Advice:** Jeff VanBelle advised that he would utilize an attorney who would be available to guide/assist all parties involved during the process used to establish a LLL. The subcommittee further discussed whether individual attorneys would be required to protect interests of each lake association in their individual efforts to establish a LLL. No conclusion was reached.

**2F – Funding:** Nick Loeks advised the TT attorney had recommended that SAD 1 funds not be used to fund start-up costs associated with establishing a LLL. Nick intends to ask the TT trustees at the next board meeting if they would be willing to “front” monies to be “repaid” by a future SAD to help defray costs associated with start-up costs for establishing LLLs.

Respectfully submitted: Phil DeYoung