BEAR LAKE LAKE BOARD
REGULAR MEETING
Thursday May 14, 2020
6:00 p.m.
Virtual Tele-Meeting held via Zoom as permitted by Governor Whitmer’s
Executive Order #2020-75

MINUTES

CALL TO ORDER: The meeting was called to order by Kim Arter at 6:04 pm.

ROLL CALL:
• Present: Kim Arter, Brenda Moore, John Snider, Darrell VanFossan and Steve Johnson
• Absent: None
• Also: Dr. Jennifer Jermarlowiz-Jones of RLS, Jeff Connors and John Tuchy of EverBlue, Recording Secretary Veronica West and one area citizen.

MINUTES: Brenda Moore moved to approve the minutes of February 5, 2020 as presented. Darrell VanFossan supported the motion. The motion carried by voice vote. The minutes will be placed on file.

REPORTS:
• Treasurer’s Quarterly Report: Darrell VanFossan gave a brief synopsis of the report, reviewing expenses and pointing out the herbicide treatment permit was applied for by PLM, consultant RLS was paid it’s quarterly fee and legal fees of $1,888 were incurred. He also noted that at the last meeting, amendments were made to the budget and removed funding from the categories of herbicide/treatment and attorney fees, but some funding would have to be put back in by future amendments as costs were incurred in these categories. Brenda Moore moved to accept the report and place it on file. Darrell VanFossan supported the motion. A voice vote was taken: Voting in favor of the motion: Darrell VanFossan, John Snider, Steve Johnson, Brenda Moore and Kim Arter. There were no votes in opposition of the motion. The motion carried.
• Restorative Lake Sciences - Dr. Jones reported on the slow growth of lake vegetation, most likely related the the cold weather and high water levels. She commented that dated to survey the lake had therefore been moved back some - but she will keep the board informed of the survey via email. John Snider did ask if the high lake levels would have any impact on the aeration plans. Dr. Jones noted that the nutrient levels could be diluted due to more water volume or could be elevated if the levels are due to higher amounts of nutrient loaded run off, but that aeration will still be effective with the higher water levels. Darrell VanFossan informed Dr. Jones that he is receiving reports of the invasive milfoil around docks and Dr. Jones noted that it will be on her list of areas to check when out on the lake collecting data.

COMMUNICATION:
• Ribe Drain Report from Muskegon County Drain Commissioner Brenda Moore - no discussion

OLD BUSINESS: NONE

NEW BUSINESS:
- **EverBlue - Proposed Contract:** Kim Arter explained the various drafts of the documents that she had sent to the Board members: noting one had redlines where the BLLB Attorney had made his suggested changes, and one had additional blue line where EverBlue had implemented changes. She added that the contract has not been back to the attorney as EverBlue had accepted nearly all the attorney’s suggested changes. Brenda Moore asked about cash flow and if the payment timeline will now work within the BLLB cash flow. Darrell VanFossan discussed the budget amendments made in February and noted there is still a budgetary shortfall over the next 3 years and there are 7 places within the EverBlue contract that note items of additional cost over and above the contract costs. Steve Johnson had questions regarding contract costs when compared to the numbers in the budget. EverBlue noted there is a $9500 one time installation costs and Darrell VanFossan noted that he included estimated figures in the budget for things like having electricity run by Consumers Energy and a boring company for the underground wires. There was extensive discussion surrounding the overall budget shortfall of approximately $50,000 over the next 3 years and possible ways to raise additional funds via investing some of the cash on hand or other fundraising methods. Darrell VanFossan asked if consulting fees form RLS could be reduced in 2021 & 2022. Dr. Jones of RLS commented that she will negotiate hard with the State of Michigan on their testing and data requirements for the aeration permit and hopefully be able to reduce costs that way. Dr. Jones added that in other areas, County governments have a revolving fund that can loan funds to lake boards. John Snider and Kim Arter both agreed that Muskegon County has no such funds at this time. Dr. Jones added that if the BLLB is unable to approve the EverBlue contract so that they can get started with the application process to the State for the aeration system due to funding, she would recommend going back to public hearings as soon as possible and the timeframe for application and installing this year is very short. Dr. Jones also added a tremendous amount of money spent on the baseline testing and data and it would be a huge loss if unable to move forward. Brenda Moore added this is a huge step forward in this project and it is critical to make it and avoid missing the window of opportunity for another year or lose the investment in the data already collected. There was more discussion including possible volunteers for locations of the compressors and possibly even the electric bills for them, treatment costs this year while securing the permit for aeration and installing the system in the fall and budget shortfalls. Steve Johnson and John Snider both expressed sentiments of getting the system in place and getting results that will make residents happy and get the public excited to participate in fundraising. Darrell VanFossan expressed continued concern about the budget shortfall and Brenda Moore expressed the need to be leaders and move forward. Dr. Jones stated in her professional opinion the lake is at it’s tipping point, must have the oxygenation and there is no other option to save the lake. John Tuchy of EverBlue commented that in many cases Consumers will often rebate a large portion of the initial electrical hook up fees after 6 months. There was also discussion of utilizing personal and professional contacts with Consumers Energy to negotiate costs. John Tuchy also stated that agreeing to contract with EverBlue doesn’t lock the BLLB in to the contract costs until the permit is secured from the State of MI. If unable to install due to the COVID-19 pandemic or any other reasons, there is still “an out”. He stated EverBlue is willing to install and adjust payments due to BLLB cash flow, adding a yes decision tonight doesn’t lock the BLLB in as there are still several hurdles to get over with the State permit. Brenda Moore suggested allocating $9500 for the permit and then go forward with signing the full contract once the permit with the State of Michigan is secured, but wanted to make sure that once the permit is in hand, the State cannot change the rules. Dr. Jones noted once a permit is issued it is valid for a 5 year period during which the terms cannot be altered. Brenda Moore asked if EverBlue is comfortable with a $9500 commitment from the board to get started and iron out the rest of the contract later. John Conners of EverBlue stated they want everyone to be comfortable with the contract language, but there are still 2 items that EverBlue is uncomfortable with as suggested by the BLLB attorney. Kim Arter commented that the board should make a decision on the $9500 and iron out the contract for a later vote. Darrell VanFossan moved to authorize up to $9500.00 for EverBlue to start the permit process
with the State of Michigan and then negotiate the rest of the contract in good faith. John Snider supported the motion. A roll call vote was taken. Voting in favor of the motion: Brenda Moore, Steve Johnson, John Snider, Darrell VanFossan and Kim Arter. There were not opposition votes and the motion carried.

Brenda Moore suggested Kim Arter work with EverBlue on the contract negotiations. Kim Arter suggested that Darrell VanFossan also work with her and EverBlue on the negotiations and the rest of the board members expressed comfort with that plan. The contract will then be brought back to the full BLLB for consideration and a vote.

Brenda Moore also suggested that a work session be considered at a time when everyone can physically meet in one room for a fundraising, brainstorming session.

- **Proposed Budget Amendments for 2020, 2021 & 2022:** Due to costs incurred in categories that had previously amended, BLLB Treasurer Darrell Van Fossan presented proposed amendments that would put funds back in to the following categories as follows:
  - 2020: $9,000 for herbicides/invasive treatments, $4,000 for Attorney Fees and $28,752 for contingencies. He also proposed amendments to the following categories: changing the Lake-wide Aeration budget to $124,057 up from $114,556 and $30,000 for Consumers Energy/Electricity costs from $5,000.
  - 2021: $6,000 for herbicides/invasive treatments, $1,000 for Attorney Fees and $28,752 for contingencies. He also proposed amendments to the following categories: changing the Lake-wide Aeration budget to $0.00 after a correction was revealed based on discussion with EverBlue that they had removed the 2021 payment and $9,600 for electricity.
  - 2022: $3,000 for herbicides/invasive treatments, $1,000 for Attorney Fees and $28,752 for contingencies. He also proposed amendments to the following categories: changing the Lake-wide Aeration budget to $95,922 and $9,600 for electricity.

John Snider moved to accept the budget amendments as presented. Steve Johnson supported the motion. A roll call vote was taken. Voting in favor of the motion: Darrell VanFossan, John Snider, Brenda Moore, Steve Johnson and Kim Arter. There were not opposition votes and the motion carried.

**PUBLIC COMMENT:** The one public attendee (Shawn Butler) was asked if he had any questions or comments. He stated he had none. Brenda Moore thanked him for attending.

**BOARD COMMENT:**

- John Snider commented that board members should have some sort of informal meeting to try to establish some sort of endowment fund or other such fund at the Community Foundation. Dr. Jones added that it might be worthwhile to reach out to some oil companies for donations as well. Kim Arter commented that there are sometimes grants from the Community Foundation. Brenda Moore suggested a brainstorming session when it is deemed safe for everyone to meet in one room.

- Steve Johnson asked about compressor locations and if they are now set. EverBlue stated one location is set for the City Park on the south side of the lake but are still working on the second location. Steve Johnson said he has spoken with Mark Moulton and his property might be a possibility. John Snider also mentioned the property that is in ownership of the homeowners association that may also be a potential location. John Conners also discussed a potential location on the north side of the lake at the end of Meadow Lane in Laketon Township.

**ADJOURN:** John Snider moved to adjourn the meeting. Brenda Moore supported the motion. The motion carried by voice vote and the meeting adjourned at 7:17 pm.
Respectfully Submitted:
Veronica West
Recording Secretary

Approved by the Bear Lake Lake Board on______________________

Signed: ____________________________________________