

BEAR LAKE LAKE BOARD

REGULAR MEETING
Wednesday 12/20/2017
6:00 p.m.

MINUTES

CALL TO ORDER: The meeting was called to order by Kim Arter at 6:00 pm.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Present: Kim Arter, Sam Janson, John Snider, Brenda Moore and Darrell VanFossan

Absent: None

Also: Consultants from RLS Dr. Jennifer Jermalowicz-Jones and Mike Solomon, Recording Secretary Veronica West and approximately 16 area citizens

MINUTES: John Snider moved to accept the minutes of the October 5 and October 26, 2017 Public Hearing. Brenda Moore supported the motion. The motion carried by voice vote. The minutes will be placed on file.

REPORTS:

Dr. J. Jermalowicz-Jones: Dr. Jones briefly summarized the bid documents, noting they include standard performance guarantees, job specifications etc. She suggested a bid deadline of 01/05/18 and noted the board needs to decide if they want RLS to open the bids and compare them or bring them sealed to the meeting for the board to open. A Q & A between Dr. Jones and the Board occurred. Brenda Moore asked if there is enough time for the vendors to put together a bid by the suggested deadline and Dr. Jones felt the job scope is small and the timeframe is sufficient for the usual vendors they use to submit a bid. Sam Janson asked about the vendors and who will be requested to put in bids, he also suggested the bid be posted. Dr. Jones noted there are 3 vendors that come to mind that they use regularly that she is comfortable with using and noted an advertisement could be posted in the newspaper if the board so chooses. Darrell VanFossan went through the bid documents very carefully and asked questions regarding specific plants listed and for some not listed to be added. Dr Jones was happy to add them and noted she would add the language "and any others" to cover any other plants that may pop up. Darrell VanFossan also asked about the performance guarantee with 80% reduction for some plants, but not all. Dr. Jones noted that is a standard performance guarantee, but typically results are much better than that and if the vendor doesn't meet the 80% threshold, they must retreat at no cost. Brenda Moore asked why there is an 80% reduction threshold for milfoil but not other. Dr. Jones noted different species "bounce back" at different rates based on the types of treatment used, but 80% is reasonable for all. Billing was also discussed and Darrell VanFossan suggested there be a specific number of days to pay the vendors after treatment once RLS has done their post treatment survey. Brenda Moore and Sam Janson noted this should not be an issue as the treasurer has the authority to pay bills that meet contract requirements. Darrell VanFossan also suggested the bid include treatment times/dates that exclude holidays and weekends when people want to be out on the lake. Also discussed the minimum amounts of liability insurance and making sure the BLLB is listed in their coverage. Dr. Jones noted it is standard/typical for vendors to carry at least 2 million in liability insurance. There were questions about removing a vendor that cannot perform and Dr. Jones explained that process, but Mr. VanFossan expressed concern that if a vendor were removed and another hired wouldn't there be additional costs. Sam Janson noted that is where the performance guarantee comes in and their pay/compensation is contingent upon meeting or exceed the minimum threshold. Discussion also covered when a vendor might be terminated, and automatically renewable contracts with automatic contract increases. Dr. Jones noted that while the contracts would be renewable, it would still be performance based. Darrell VanFossan and Sam Janson

both noted they do not want language in the bid that encourages any automatic increase per year and Sam also requested language be included to get 2 bids per vendor, one for an annual yearly cost and one for a three year cost with each year broken down. It was also questioned if this is a 5-year project why not get a 5 year bid. Dr. Jones responded that hopefully there will be less to treat in the later year of the project and it is too hard to judge costs at this point as the prices of some herbicides can change dramatically from year to year. Darrell VanFossan also asked that the bids include actual costs the vendor pays for materials, not just the MSRP of the materials. Mike Solomon noted this is extremely difficult for a vendor to do as they do not always know the price they will pay for materials/herbicides up front, but after once they know how much treatment was necessary and how much material was used. Darrell VanFossan asked if there is anything on the list to treat algae or zebra mussels and about the cost of the DEQ permits. Dr. Jones noted there are algaecides and discussed various products, but nothing for zebra mussels and also discussed the DEQ permit costs which should be about \$800 which the vendors pay and are then reimbursed by the lake board. Darrell VanFossan and Brenda Moore noted they would like the wording regarding cost on page 7 to read "must or shall" rather than "should". Brenda Moore also asked for some fact sheets on the products/chemicals/herbicides being used for the public in lay-people terms so they will know what is being done in the lake and what these products are being used for. Sam Janson noted it is very important to the city of North Muskegon that the proper posted and notices are used so the public is aware of when treatments are being done, he stated past treatment vendors haven't done a very good job at this aspect. Dr. Jones made note to add this to the bid specs specifically and to require a postcard mailing to all lakefront properties, to go out 3 weeks prior to treatment and postings on the land the day of treatment. Brenda Moore also suggested internet posting of the treatment dates/times as well as requesting the postings on the land take place 24 to 48 hours in advance. Brenda Moore also asked about attorney review of the contract. Dr. Jones suggested the contract be drafted and once a vendor is awarded the bid have the attorney review the contract.

COMMUNICATION: NONE

PUBLIC COMMENT (On Agenda Item): NONE

OLD BUSINESS: NONE

NEW BUSINESS:

- **Municipal Loan Payback** – Kim Arter noted that both Laketon Township and the City of North Muskegon both provided "seed money" to the BLLB to cover start up costs and the contract for that money requires that both municipalities be paid back once the special assessment was levied and funds started to come in. Brenda Moore moved for the BLLB to reimburse \$7500 to each municipality as agreed upon in the contract. John Snider supported the motion. A roll call vote was taken. Ayes: Darrell VanFossan, Sam Janson, Kim Arter, John Snider and Brenda Moore. Nays: None. The motion carried.
- **Bid Documents** – Aquatic Plant Herbicide: Brenda Moore moved to approve the bid documents with the changes as discussed (and listed below) and with a return date of January 5, 2018.
 1. PG. 3 – include curly leaf pond wort & nuisance natives, label the canal properly as "Fenner's Ditch", establish a January 5, 2018 bid due date and allow for RLS to open and summarize the bids for the BLLB
 2. Pg. 5 – add language to allow representatives of RLS and/or BLLB to be permitted to be on the treatment boat during application, add language that would prevent treatment on holidays and weekends, remove language "immediate termination" and change to "pending review of the BLLB"
 3. Pg. 12 – add language to require BLLB be listed as an additional insured on vendor's liability insurance policy, add language that applicator is to apply for the proper DEQ permits and pay appropriate costs
 4. Pg. 8 – specify a one year bid and a 3-year bid price with years 1, 2 & 3 broken down
 5. Pg. 7 – change language to read "costs shall include", add a pre-posting requirement of 24 to 48 hours in advance and treatment posting shall be on stakes/posts , not trees
 6. Pg. 9 – change language from "fair costs" to "competitive costs".

7. Pg. 10 – add language to require 80% reduction of all species treated and remove the 3% annual inflation rate language.

Sam Janson supported the motion. The motion carried by voice vote.

- **Set Regular Meeting Schedule for 2018** – Kim Arter suggested setting a regular date for meetings to recur on a monthly basis. She suggested either the 2nd Tuesday or the 2nd Thursday of each month at 6pm to alternate location between the City of North Muskegon and Laketon Township. It was noted that if there is no business to attend to in any given month, the meeting could be canceled. Darrell VanFossan move to set the regular monthly meetings for the 2nd Thursday of each month at 6pm, alternating between the two municipalities starting with the next meeting on Thursday January 11, 2018 at 6pm at North Muskegon City Hall. John Snider supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS:

Joe Barcroft 1614 Sunset Dr – Mr. Barcroft expressed thanks for cleaning up the lake and suggested that the one thing missing from Bear Lake is a public boat dock that would make it more accessible for those that are handicapped. Kim Arter noted that Horton Park, in Laketon Township will be installing an accessible boat dock as part of a DNR grant project in 2018.

Steve Olsen 820 Oakmere – Mr. Olsen noted he has been a lakefront property owner for 15 years and has always contributed to the weed treatments, but added that this lake board may have gotten better participation had the costs been known upfront. He also stated he was unsure if the Board has the expertise needed to select a consultant for this project and wondered if any local experts (Kathy Evans or Al Steinman) have been consulted or their opinions been sought or a 2nd opinion on the project recommendations? He also suggested this project may be premature and questioned why this Board decided not wait to see how the celery flats area remediation affects the lake. He went on to ask the BLLB to take a step back and take a year off to see how the lake responds to the remediation of the celery flats, adding he is not against clean up, but wants to see the money well spent. He also added he has nothing against RLS, he would ask these same things no matter what consultant had been chosen. Mr. Olsen stated as a resident, he would like to see GVSU give an assessment on what money is being spent and if it's the right path. Brenda Moore responded to Mr. Olsen noting that the plan has been modified from it's original form to remove some sediment filters due to the celery flat remediation and that docs have been shared with Kathy Evans and Al Steinman and Dr. Jones has utilized many past studies and documentation that has been supplied to her from this Board and others and added that there will be quantitative reports with results at the end of each year.

Leora Schillaci 1697 Mulder – Ms. Schillaci asked if cattails are sprayed? Dr. Jones stated they are not typically responsive to chemical sprays now available (the World Health Organization deemed an effective spray a carcinogen) but that the DEQ does allow for cutting of cattails with a permit.

Jeff Gates 2923 Memorial Dr – Mr. Gates stated he is troubled by the possibility of oil/petroleum and would like to see testing accelerated. He also noted it makes sense to have GVSU involved.

Dr. Jones responded by noting that RLS will be doing the core sampling over the first 2 years rather than spreading it out over the full 5 years so they can get the data needed to know if they can proceed with the aeration or if petroleum is found getting other larger governmental bodies (State & Federal) involved. She also noted that the data from previous studies was centered mostly around phosphorus, not petroleum.

ADJOURN: Brenda Moore moved to adjourn the meeting. Sam Janson supported the motion. The motion carried by voice vote and the meeting adjourned at 7:27 pm

Respectfully Submitted:
Veronica West
Recording Secretary

Approved by the Bear Lake Lake Board on _____.

Signed: _____.