

Austin Lake Governmental Lake Board (ALGLB) Meeting Minutes DRAFT– 27Sept17

Location: Portage City Hall Council Chambers

Call to Order: 4:33pm pm by Chairman Brian Johnson

Members present: Brian Johnson, Pat Crowley and Jim Pearson.

Members absent: Scott McGraw (with excuse), Nasim Ansari (with excuse)

Project consultant Jennifer Jermalowicz-Jones (Restorative Lake Sciences) and project contractor John Tucci (Lake Savers) were also present.

Approval of the August 16, 2017 Meeting Minutes. Motion by Pearson, seconded by Crowley. Approved 3-0

Chairman Johnson gave a summary of the MDEQ permit approval status. He anticipates that the 5-year permit will be approved shortly, but it's too late in the season to start aeration in 2017. Members present agreed. Even though the aeration units were not in operation this year, the new permit requires that all the usual measurements have to be made between October 1-15th of this year at four test sites. Jennifer Jermalowicz-Jones graciously agreed to juggle her schedule in order to meet the tight deadline. She also offered to include ammonia testing at no charge. Motion to approve funds for water testing, muck measurements and sonar scan in the south basin by Pearson, seconded by Crowley. Passed 3-0.

Next, Chair Johnson discussed the yearly fee that was paid in advance to project contractor John Tucci (Lake Savers) for the 2017 aeration season. Work was not started due to the delay with the MDEQ permit process. John agreed to not charge the ALGB for work not performed due to the permit delay. The funds will be returned by the end of this year and paid out again in April for the 2018 season, or he will bill for 50% of his fee in both 2018 and 2019. Motion by Pearson, seconded by Crowley, to let Chairman Johnson and John Tucci work together to determine the best return-of-funds method. Passed 3-0.

Secretary Pearson reported that Mr. John Crago was the only riparian that filed a Special Assessment Appeal with the Michigan Tax Tribunal (MTT) protesting his \$102.14 annual assessment for three years. Discussion followed that it cost riparians almost \$10,000 in lawyer fees to successfully defend a single assessment challenge back in 2012. It was determined that the same attorney with expertise in Act 451 law should be retained for the current assessment challenge. Motion by Pearson, seconded by Crowley to retain the services of attorney David Lewis of Lewis, Reed and Allen, P.C. to represent the ALGLB at the MTT. Passed 3-0.

Chairman Johnson and Secretary Pearson will conference call with Attorney Lewis to update him on the assessment appeal. They will also get legal advice as to

deferring unused 2017 funds into the 2020 season due to the MDEQ permit approval delay.

Public Comment - None

Chairman Johnson adjourned the meeting at 5:02 pm.

Submitted by Jim Pearson, ALGLB Secretary