

THE AUSTIN LAKE  
**RIPARIAN**



Spring, 2009

P.O. Box 44  
Portage, MI 49081

## Mark your Calendars! Annual Meeting Set for May 18, 2009

The annual meeting of the *Austin Lake Riparian* will be held on Monday at 7:00 PM on May 18, 2009 in the Lake Center Elementary School gym. This is an excellent opportunity to meet your lake neighbors and become involved in keeping the lake quality up.

### Agenda:

- Call to Order
- Pledge
- Introduction of the Board Members
- President's Report
- Minutes of 2008 Meeting
- Treasurer's Report
- News Letter Report
- Web Site Report
- Old Business
  - Weed Control
  - Pfizer Water Discharge Rate
- New Business
  - Aeration Project Status
  - Lake Association Voluntary Contributions
- Election of Board Members  
(One Vote per Property owner)  
Three Positions Open for 3 year terms  
and one alternate  
You must be a lake property owner  
to run
- Adjourn

## Needed: Funds for Lake Improvement

On March 16, 2009, your *Austin Lake Riparian* Board decided to create a fund for Lake Improvements. The Board feels this fund is needed to proactively study and attack lake problems, such as excessive weeds or low water level. They are asking for a voluntary donation of at least \$25. per household. To contribute to the fund please send a check (no cash please) made out to "Austin Lake Riparian" and put "Lake Improvement" in the memo line  
Send to:

Jeff Cross  
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## Update on the South Bay Aeration Project

Note: for a full description of this project see the Fall, 2008 issue of *The Austin Lake Riparian* newsletter go to [www.austinklakeriparians.org](http://www.austinklakeriparians.org) and click on the "Aeration Project" link. For a summary of past lake projects click on "City of Portage Communication...".

After much work by Board members, the project was approved by South Bay residences. Of 133 Riparian properties, 74 (55%) signed in support, 25 (19%) declined to sign and 34 (26%) could not be reached.

On January 27, 2009 Jim Pearson and Don Moradas, representing the *Austin Lake Riparian* Board, went before the Portage City Council with our petition to proceed with our aeration project. To our surprise, the Portage City Manager recommended "that the City Council reject the special assessment petition." Further, the city council even declined to work with the *Austin Lake Riparian* Board in an ongoing manner or allow them to provide information to the city council to

assuage some of the concerns that the council had related to this project. There seemed to be four major issues. 1) There was much skepticism, by City Staff and Council that aeration actually works, even though they were informed about the successes of the Clean-Flow technology; 2) The City Manager objected that a specific vendor was listed in the petition without City approval; 3.) The Assessor was concerned that assessing only properties in the South West Bay was unconstitutional; and 4) Councilman Urban insisted that the dormant but existing Governmental Lake Board (GLB) should be the vehicle for this project.

The whole process with the City of Portage left the Board stunned. The City Manager's refusal to allow a staffer to work with the Board on rewording and re-circulating the petition to satisfy City concerns was not expected.

At the March 24, 2009 Portage City Council meeting, the council intended to appoint another member to the Austin Lake Governmental Lake Board (GLB). However, John Crago, president of

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The *Austin Lake Riparian* board, suggested that the GLB was not legally constituted, and documents indicate that it was officially disbanded by a 4 to 0 vote by the original board members. He is to meet with the city attorney to provide the documents to that effect.

Several Board members met with Councilpersons Terry Urban and Elizabeth Campbell on March 9th, 2009 to discuss the proposed southwest bay aeration project. Discussion centered on how Riparians in the bay could pay for the remediation themselves in order to get the project going. Councilman Urban said that Riparians could voluntarily pay for the project by way of a private Limited Liability Corporation. The only other City sanctioned method would be for a GLB to be formed and decide what if anything should be done.

Basically we have the following options:

1. Do the project with voluntary donations
2. Activate/create the GLB to do the project
3. Drop the project

At this point the Board is in a quandary. They believe that the project, as originally proposed, would work, but without City support they are unable to proceed. Anyone with ideas please contact a board member.

## Governmental Lake Boards

A Governmental Lake Board (or GLB) is a legal entity which is designed, ideally, to act on behalf of the lake property owners (note: *The Austin Lake Riparian* board is not a GLB). The GLB is formed when 2/3rds of the property owners request its formation or by sole action of the City Council. The GLB consists of County and City representatives and must have at least one lake property owner. The GLB can implement lake quality projects and request property assessments to pay for the projects. The projects or assessments do not require the approval of lake property owners. This means the GLB has the potential for acting quickly to a lake quality problem, but, it does give them enormous power to tax property owners without their consent. Once formed, the GLB can dissolve itself but it can not be forcefully dissolved by property owners.

For more information on GLBs, go to our Web site [www.austinelakeriparians.org](http://www.austinelakeriparians.org). click on "Aeration Project" then click on "Governmental Lake Board Information" You can also search [www.legislature.mi.gov](http://www.legislature.mi.gov) for "Lake Board."

## Renting a Pontoon Trailer?

When renting a Pontoon Trailer, please keep in mind that our Austin Lake Riparian Association has an agreement with Right-Way Rentals. If you ask for this trailer, they will make a use-contribution to the Association.

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**P.O.Box 44  
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Website: [www.austinlakeriparians.org](http://www.austinlakeriparians.org)

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## **Austin Lake Riparians Board of Directors**

<b>John Crago - President - expires 2011</b>	<b>323-2425</b>
<b>Don Mordas - Vice President - expires 2011</b>	<b>484-4419</b>
<b>Sarah Lincoln - Secretary - expires 2009</b>	<b>327-5504</b>
<b>Jeff Cross - Treasurer - expires 2011</b>	<b>321-8992</b>
<b>Wes Carpenter - term expires 2010</b>	<b>323-3522</b>
<b>Seth Gien - term expires 2010</b>	<b>327-4012</b>
<b>Keith Newburry - term expires 2009</b>	<b>324-9301</b>
<b>Jim Pearson - term expires 2010</b>	<b>327-9136</b>
<b>Kirk Wolf - term expires 2009</b>	<b>321-9990</b>

### **Other Positions:**

<b>Norm Young - Newsletter Editor and Website</b>	<b>324-6199</b>
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Website: [www.austinlakeriparians.org](http://www.austinlakeriparians.org)

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