



Office of Administration

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Sent Via E-mail
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October 6, 2020

Mr. Robert Ripstra
1613 Charlevois Dr.
Troy, MI 48085

Dear Mr. Ripstra:

Re: Freedom of Information Act FOIA #20-065C
Granted in part/Denied in part

Newaygo County received your Freedom of Information Act ("FOIA") request dated October 5, 2020.

1. September 17, 2020 Hess Lake Board Meeting Minutes - Draft Copy

The County has granted your request.

2. September 17, 2020 Hess Lake Board Meeting Packet

The County has granted your request.

The County has determined that the total cost of processing and finalizing this request is \$ 5.46 . (See attached Detailed Itemization Sheet.) The County estimates that it will provide the documents to you within 5 business days of receiving the fee.

Please be advised that the County's FOIA Policies and Procedures and written summary are available on the County's website at: www.countyofnewaygo.com.

Should you have any questions, please feel free to contact me.

Sincerely,

Christopher Wren
County Administrator/FOIA Coordinator

HESS LAKE IMPROVEMENT BOARD

**LAKE IMPROVEMENT PROJECT PRACTICABILITY RESOLUTION
HESS LAKE, NEWAYGO COUNTY, MICHIGAN**

At a publicly noticed meeting of the Hess Lake Improvement Board, County of Newaygo, State of Michigan, held on September 17, 2020 at 10:00 a.m.

PRESENT: Bart Calvi, Dale Twing, Richard Bosowski
Ken Delaat, Mark Stocum

ABSENT: None

The following resolution was offered by Dale Twing and seconded by Ken Delaat.

WHEREAS, the Hess Lake Improvement Board received and reviewed information related to a five-year (2021–2025) lake improvement project from the engineering firm Progressive AE that includes, among other things, aquatic plant control, watershed management, administration, and contingency on Hess Lake (“Lake Improvement Project”); and

WHEREAS, at a public meeting of the Hess Lake Improvement Board, the Board held a public hearing to determine the practicability of the proposed Lake Improvement Project; and

WHEREAS, the Hess Lake Improvement Board duly noticed this hearing pursuant to MCL 324.30910, which requires two publications of notice in a newspaper of general circulation, the first of which must be published not less than 20 days prior to this hearing; and

WHEREAS, the Hess Lake Improvement Board also reviewed information from Progressive AE related to cost estimates regarding the proposed Lake Improvement Project; and

WHEREAS, it is the desire of the Hess Lake Improvement Board to proceed with the proposed Lake Improvement Project.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Hess Lake Improvement Board hereby determines after reviewing information outlining the proposed Lake Improvement Project, that such a project is practicable on Hess Lake. MCL 324.30910. Specifically, the Lake Improvement Board deems the Lake Improvement Project that includes, but is not limited to, aquatic plant control, watershed management, administration, contingency, and all activities beneficial and incidental to improving Hess Lake for the preceding enumerated purposes practicable.

2. The Hess Lake Improvement Board finally accepts the special assessment district for the Lake Improvement Project, which is a substantially similar special assessment district used for previous similar Hess Lake projects. It also approves the plans and estimates of costs of the Lake Improvement Project as presented and indicated in the notices for this meeting. MCL 324.30912.
3. The Hess Lake Improvement Board hereby orders the publication of this resolution in a newspaper of general circulation in Brooks and Grant Townships in Newaygo County. *Id.*
4. The Hess Lake Improvement Board directs each local of unit of government to be affected to assist the Board in confirming an assessment roll related to the proposed Lake Improvement Project. MCL 324.30912.

ADOPTED: YEAS: 11
NAYS: None

The Resolution was declared and adopted.

HESS LAKE IMPROVEMENT BOARD

Richard Bosowski, Chairperson

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Hess Lake Improvement Board, Newaygo County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Hess Lake Improvement Board at a meeting held on the 17th day of September, 2020.

D. M. E. J. J. Secretary

HESS LAKE IMPROVEMENT BOARD

**LAKE IMPROVEMENT PROJECT ASSESSMENT RESOLUTION
HESS LAKE, NEWAYGO COUNTY, MICHIGAN**

At a publicly noticed meeting of the Hess Lake Improvement Board, County of Newaygo, State of Michigan, held on September 17, 2020 at 10:00 a.m.

PRESENT: Bart Calvi, Dale Twing, Richard Bosowski,
Ken Delaat, Mark Slocum

ABSENT: None

The following resolution was offered by Dale Twing and seconded by Ken Delaat.

WHEREAS, the Hess Lake Improvement Board received and reviewed information related to a five-year (2021–2025) lake improvement project from the engineering firm Progressive AE that includes, among other things, aquatic plant control, watershed management, administration, and contingency on Hess Lake (“Lake Improvement Project”); and

WHEREAS, the Hess Lake Improvement Board held a duly noticed public hearing and passed a resolution determining that the Lake Improvement Project, including all activities beneficial and incidental to improving Hess Lake for the Project’s purposes, was practicable. The Board further accepted the proposed special assessment district and approved the plans and costs for the proposed Lake Improvement Project; and

WHEREAS, the Hess Lake Improvement Board has a proposed special assessment roll that determines the assessment amounts for property owners in the approved special assessment district; and

WHEREAS, the special assessment roll described above proposes special assessments on properties based on their relative benefit from the proposed Lake Improvement Project; and

WHEREAS, the Hess Lake Improvement Board held a public hearing to review the special assessment roll and to hear objections to the roll from the public; and

WHEREAS, the Hess Lake Improvement Board duly noticed this public hearing pursuant to MCL 324.30913, by: (1) publishing notice of the hearing and filing of assessment roll twice in a newspaper of general circulation within Brooks and Grant Townships, Newaygo County, Michigan of which the first publication occurred at least 10 days prior to this hearing and (2) mailing property owner notices in accordance with Act 162 of 1962, as amended, MCL 211.741 *et seq.*; and

WHEREAS, it is the desire of the Hess Lake Improvement Board to approve a special assessment roll for the Lake Improvement Project.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Hess Lake Improvement Board hereby confirms a special assessment roll for the Lake Improvement Project. MCL 324.30913. The Newaygo County Drain Commissioner will retain the roll in his office on behalf of the Lake Improvement Board.
2. The Hess Lake Improvement Board orders publication of a notice confirming the roll in a newspaper of general circulation within Brooks and Grant Townships, Newaygo County, Michigan. *Id.*
3. The special assessment roll shall be final and conclusive 30 days after publication of the notice of confirmation unless challenged in a court of competent jurisdiction. *Id.*
4. The Hess Lake Improvement Board directs the clerks of Brooks and Grant Townships and Newaygo County, Michigan to endorse the confirmed assessment roll pursuant to MCL 324.30913.
5. The Hess Lake Improvement Board directs the collection of all special assessments for the Lake Improvement Project consistent with MCL 324.30916 and all other applicable laws. The Chair of the Lake Improvement Board is authorized to execute any contracts for the purposes of implementing the Lake Improvement Project.
6. When necessary, the Drain Commissioner prepare and retain in his office a computation of costs for the Lake Improvement Project under MCL 324.30927.

ADOPTED: YEAS: All
NAYS: None

The Resolution was declared and adopted.

HESS LAKE IMPROVEMENT BOARD

Richard Brosowski, Chairperson

CERTIFICATION

I, the undersigned, the duly qualified and acting Secretary for the Hess Lake Improvement Board, Newaygo County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Hess Lake Improvement Board at a meeting held on the 17th day of September, 2020.

Bob L. Jiny, Secretary

DRAFT MINUTES - UNAPPROVED

HESS LAKE IMPROVEMENT BOARD

MINUTES LAKE IMPROVEMENT BOARD MEETING

NAME OF LAKE: Hess Lake Improvement Board

DATE/TIME: September 17, 2020
10:00AM

LOCATION: Zoom (Ongoing Coronavirus Pandemic Pursuant to All Applicable Authorities under Michigan law)

1. Call to Order

The meeting was called to order at 10:00AM. All Lake Improvement Board members were present (Calvi, Twing, Delaat, Bosowski, Slocum). The Lake Improvement Board introduced its legal counsel Kyle O’Meara of Fahey Schultz Burzych Rhodes PLC and its consultant for the proposed aquatic management project Tony Groves of the ProgressiveAE engineering firm.

2. Zoom and Public Comment Protocol

Lake Improvement Board Attorney Kyle O’Meara outlined how property owners and the public could make public comments during both noticed public hearings and during a general public comment session. Mr. O’Meara reminded the public to please keep comments to three minutes or less for first rounds of public comment.

3. Approval of Agenda and Minutes

The Lake Improvement Board unanimously approved the meeting agenda as well as its last meeting minutes from July 13, 2020.

4. Public Hearing of Practicability

Secretary Twing made a motion (seconded by Member Delaat) to discuss the practicability of the proposed aquatic weed management lake improvement project (Lake Improvement Project Practicability Resolution).

The Lake Improvement Board then opened the first public hearing (practicability). Multiple property owners and members of the public provided comments and questions to the Board and Mr. Groves of ProgressiveAE. Among other things, the public asked questions related to: (1) the proposed aquatic weed treatments; (2) the effectiveness of prior treatments; (3) the length of the

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project; (4) the impacts of fertilizer on the watershed; (5) the impacts on fisheries; (6) the condition of the lake; and (7) the impacts of the lake's outlet/a nearby drain and how sediment impacts the lake. Mr. Groves and the Lake Improvement Board answered the concerns of the residents as well as explained the proposed aquatic weed management project. Members of the public had comments limited to three minutes initially but were allowed to ask follow-up questions and to provide follow-up comments.

Next, the Lake Improvement Board then closed the public hearing when no one had any remaining comments or questions.

The Lake Improvement Board unanimously approved the proposed Lake Improvement Project Practicability Resolution finding the proposed Hess Lake improvement project practicable. See Resolution attached as **Exhibit A**.

5. Public Hearing of Assessment

Secretary Twing made a motion (seconded by Member Delaat) to discuss assessments related to the approved lake improvement project (Lake Improvement Project Assessment Resolution).

The lake improvement board opened the second public hearing (assessment). Multiple property owners and members of the public provided comments and questions to the Board and Mr. Groves of ProgressiveAE. Attorney Kyle O'Meara clarified the resolution being considered is related to the aquatic weed management project and the proposed assessment included on property owner notices. Questions were raised regarding how to become involved on Hess Lake.

Next, the Lake Improvement Board then closed the second public hearing when no one had any remaining comments or questions.

The Lake Improvement Board unanimously approved the proposed Lake Improvement Project Assessment Resolution. See Resolution attached as **Exhibit B**.

6. Future Meeting Dates

The Lake Improvement Board unanimously scheduled future meeting dates of: _____
_____.

DRAFT MINUTES - UNAPPROVED

7. General Public Comment

The Lake Improvement Board allowed general public comments. One individual asked if the Lake Board could hold all of its meetings on Zoom.

Unanimous vote to adjourn at 11:05AM.

Dale Twing, Newaygo County Drain Commissioner
Hess Lake Improvement Board (Secretary)

**Hess Lake Improvement Board
Newaygo County, Michigan**

HEARING OF PRACTICABILITY AND HEARING OF ASSESSMENT

TAKE NOTICE that the Hess Lake Improvement Board will hold a public hearing at 10:00 am on Thursday, September 17, 2020 to determine the practicability of a five-year improvement project for Hess Lake. The lake improvement project would include aquatic plant control, watershed management, and administration and contingency. The project would begin in 2021 and continue through 2025, with an annual budget of \$80,500.

NOTICE IS FURTHER GIVEN that a special assessment roll has been prepared and is available for public examination during normal business hours at the office of the Newaygo County Drain Commissioner, 306 S. North Street, White Cloud, MI 49349. Please call the Drain Commissioner's number below to coordinate reviewing the roll due to the coronavirus pandemic. Said special assessment roll has been prepared for the purpose of assessing the cost of the improvement project to benefiting properties.

NOTICE IS FURTHER GIVEN that, if the project is found practicable, the Hess Lake Improvement Board will hold a public hearing of assessment immediately following the aforementioned hearing of practicability for the purpose of reviewing said special assessment roll and for hearing any objections thereto. An owner of or party with interest in real property to be assessed or his/her agent may appear in person to object to the special assessment or may protest such special assessment by letter filed with the Lake Board at or prior to the time of the hearing, in which case personal appearance is not required. Written objections may be filed with or mailed to the Hess Lake Improvement Board c/o Newaygo County Drain Commissioner, 306 S. North Street, PO Box 885, White Cloud, MI 49349.

NOTICE IS FURTHER GIVEN that pursuant Executive Order 2020-154 the public hearings will be held on the video and telephone conferencing platform Zoom due to the coronavirus pandemic and applicable executive orders governing indoor gatherings. **The Zoom information to join the hearing is:** Link: <https://us02web.zoom.us/j/81037061557> ; Meeting ID: 810 3706 1557; and US Toll-Free Call-in Number: 877-853-5257. Members of the public will be able to offer public comment and input on Zoom.

NOTICE IS FURTHER GIVEN that the owner of or any party with interest in real property within the Hess Lake Special Assessment District who, having protested said special assessment either in person or in writing, may, within thirty (30) days after the confirmation of the special assessment roll has been published in a newspaper of general circulation, appeal such special assessment to the Michigan Tax Tribunal or other court of competent jurisdiction.

The above-referenced hearings are being held pursuant to Part 309 of Public Act No. 451 of 1994, as amended. Should any individual with disabilities require accommodations to join the hearing, please call the Newaygo County Drain Commissioner's Office at 231-689-7213 or use the Michigan Relay Service at 7-1-1 (TDD). Individuals with general questions related to the meeting may also call 231-689-7213.

Hess Lake Improvement Board
Newaygo County, Michigan

