

WASHTENAW COUNTY
BOARD OF PUBLIC WORKS

SPECIAL MEETING

FIRST PUBLIC HEARING

PLEASANT LAKE IMPROVEMENT PROJECT

Wednesday, June 12, 2024, 7:00 p.m.

Washtenaw County Service Center
MSU Classroom
705 North Zeeb Road
Ann Arbor, Michigan 48107

MEMBERS PRESENT:

Kathleen Root
Evan Pratt
Andrew Schmidt
Brian Weinert
Ketankumar Dave
Gary McCririe

MEMBERS ABSENT:

Lauren Smith

STAFF PRESENT:

Theo Eggermont, Public Works Director
Lauren Koloski, Environmental Supervisor
Michelle Katz, Water Resources Program Coordinator

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Ann Arbor, Michigan

Wednesday, June 12, 2024 - 7:00 p.m.

CALL TO ORDER

CHAIR SCHMIDT: All right, it's 7:00. Let's call this meeting to order. Welcome everyone, happy to have you here this evening. This is the first public hearing for the Pleasant Lake Improvement Project, and this meeting is now called to order.

We're going to start out with a couple of housekeeping items with regard to remote and meeting guidelines and protocols, and our very own Theo is going to bring that information to us.

REMOTE MEETING GUIDELINES AND PROTOCOLS

MR. EGGERMONT: Thanks. I'm the Public Works Director here at Washtenaw County. I'll go over just some protocols. We don't have any digital participants, but I will read those if we get some before public comment.

So please refrain from side conversations during the meeting. We want to make sure that public who are looking to speak have their time and that the Board can hear them.

And same thing when the Board's speaking, that you can all hear them and their discussion. Same thing for staff, if we're speaking, just give everyone their time so that everyone gets their piece and chance to be

heard. Request for courtesy.

We don't have any letters this evening that have been submitted in advance, so I'll skip that portion.

We don't have any digital participants at this time, but there will be a time for public comment. It's not a time for back and forth, it's a time for you to address the Board, bring up considerations, concerns, questions. Once all the public commentary has been heard, the Board may choose to address specific items or ask us to address specific items. So that'll be the way that the interaction happens. So please, if you do have questions or comments, put those during public comment so that the Board can write notes and we'll be taking notes as well.

So once public comment is over, the Board will deliberate and ask us to address certain items. And then we'll continue to move through the agenda. Ultimately, what's being considered tonight is a resolution to move to a second public hearing, and I'll talk more about that at the next stage.

But I want to reiterate that if you wish to protest the Special Assessment District with the Michigan Tax Tribunal, you're required to either speak or have your letter read during the public comment and note your protest. So just submitting a card isn't sufficient. You actually have to note your protest of the Special

Assessment. Those will be part of the public record, so those will be on file.

I think that covers it.

APPROVAL OF AGENDA

CHAIR SCHMIDT: Very good. Thank you, Theo.

Next item for us to address is approval of the agenda. Is there a motion to approve the agenda?

MR. PRATT: I'll move the agenda.

MS. ROOT: I support.

CHAIR SCHMIDT: Moved, supported.

Any discussion?

(No response).

CHAIR SCHMIDT: All those in favor?

Aye.

MR. PRATT: Aye.

MS. ROOT: Aye.

MR. MCCRIRIE: Aye.

MR. WEINERT: Aye.

MR. DAVE: Aye.

CHAIR SCHMIDT: Opposed?

(No response).

CHAIR SCHMIDT: Motion carries. We have an agenda.

PURPOSE OF PUBLIC HEARING

CHAIR SCHMIDT: Next up, we're going to have

Theo talk to us again a little bit about what the purpose of this public hearing is this evening. So, Theo?

MR. EGGERMONT: Thank you.

So I'll give a little bit about the process and what's happened so far, and also have an update or two since the last things that have changed.

So this project originated in 2013, 2014, and so this would be the third version of the Special Assessment District, and this is looking to continue. What the Board is considering tonight is if this should be approved for a five-year Special Assessment project. They have that authority granted to counties and to the Board of Public Works through the State of Michigan to take on projects like these, but there's a number of steps that are required in that process.

So first, the Freedom Township, in this instance, has to request that the county take on the project. They've done that. We've also attended a PLPOA meeting and talked about, here's what we see as changing and what's happened. So in advance of that meeting, we've gotten some feedback and input from people and provided some updates of how we felt the project needed to change.

Then the Township passed the resolution asking the county to take it on. The Board of Public Works meets to decide if they think it should proceed. Then it goes

to the Board of Commissioners, and they have approved it, saying that it should proceed. And then the Board of Public Works essentially authorizes us through a resolution to do the work to review the Special Assessment, to create the process, to figure out how much the charges should be, who's in, who's out.

We've started that process, and we have the draft roll posted online. And we'll continue to update and review that until the second public hearing, where that will be presented to the Board for them to consider and decide if that is the way that they believe the project should proceed.

So what we're looking for here tonight and why we're meeting is to have public comment from all of you on if you believe the project should proceed and to communicate that to the Board of Public Works. If there's changes or things that you think should happen, and also if you object to it happening, so if you don't think it should happen, those are all things that the Board wants to hear.

On the staff part, on our behalf, we also find it helpful because we have a draft roll, every once in a while, when we have hundreds of parcels, there's one error, we're human, and we like to catch those before we get to the next public hearing. So if you think there's

been an error, we like to get that earlier so that we can make adjustments and we can check on if there is lake access. Sometimes looking at the individual parcels can take a long time, and the earlier we have that feedback, the better job that we can do.

So, and I'll reiterate that this is an opportunity for you to protest the public hearing and that gets it on the record where you can take it to the Michigan Tax Tribunal. So if you are looking to protest that, please do fill out a comment card. It'll be brought up, and you'll have the opportunity to note that in the record.

So looking to hear both opposition and support for the project tonight, and any other considerations that you may have for the Board to consider. I will set up the public comment location here so that you can hear from the microphone. So please do sit here during public comment.

CHAIR SCHMIDT: And we'll ask you to come up. I'll give you the outline for how to make those comments.

But first, our very own Lauren Koloski is going to give a description of the project.

MS. KOLOSKI: Thank you.

CHAIR SCHMIDT: Lauren?

DESCRIPTION OF THE PROJECT

MS. KOLOSKI: You guys might have heard this

once already.

CHAIR SCHMIDT: That was a different lake.

MS. KOLOSKI: But here we go again.

Thank you, everyone. I'm Lauren. Nice to see you all here. I know most of you. Most of you know me.

But a Special Assessment District, if approved, for Pleasant Lake Improvement Project, will aim to manage the growth and reproduction of non-native aquatic invasive plants, including, but not limited to, Eurasian Water Milfoil and Starry Stonewort. The project will also work to manage the growth of nuisance native aquatic plants, native aquatic plants, including but not limited to Chara and the native pondweeds.

The project's focus is on maintaining the ecological health and recreational opportunities for Pleasant Lake. Additionally, other items may be included that would provide support to the project that would be subject to the approval of the Board of Public Works.

The project will not eliminate invasives and nuisance plants in Pleasant Lake. The project will work to maintain native aquatic plant populations and adjust our approach to what plants are observed each spring. There is a balance that must be maintained once the invasives have established a population. We want to keep them in check and monitor the native plants to maintain

the health of the lake.

Washtenaw County recently had Joslin Lake restart its improvement project after taking multiple years off and not renewing in 2013. The lake community saw a resurgence of nuisance invasive plants growing and spreading around the lake.

If the Special Assessment District is renewed for Pleasant Lake, Washtenaw County will hire a lake scientist and a professional herbicide applicator to help manage the project. The hiring of the contractors will be done through a competitive bid process. The lake scientists will survey the lake each spring to assess the early plant growth. Following that spring survey, the scientists will work with the contracted herbicide applicator to design a treatment plan. Treatment plans will be plant-specific and only address the plants seen during the surveys.

After the herbicide treatment is applied, the lake scientists will return to the lake and review the effectiveness of the herbicide treatment. Additional treatments may be needed through the season. Each treatment will follow the same planning and review process.

The herbicides that will be used to address the nuisance aquatic plants on Pleasant Lake are registered

with the U.S. Environmental Protection Agency, Michigan Department of Agricultural and Rural Development, and approved by the Michigan Department of Environment, Great Lakes and Energy for use in the waters of the state. A permit to apply these herbicides is required before treatment.

Invasive and non-native plants generally have few or no natural predators in their non-native environments. This allows them to quickly spread. Once established, they can disrupt ecosystems by pushing out native plants and reducing the diversity in the lake.

The cost of the Assessment District is covered by residents, businesses, and public properties surrounding the lake. The current proposed amounts for assessments are as follows: Non-waterfront residential properties with lake access is \$157.50 annually; park front residential properties are \$307.50 annually; waterfront residential properties are \$375 annually; and commercial properties are charged \$600 annually.

To find individual property assessments, residents can go to washtenaw.org/PleasantLake or come talk to us after the meeting, and we'll be happy to help.

CHAIR SCHMIDT: Thank you, Lauren.

MR. EGGERMONT: Drew, if I could just elaborate? Because we do have a new categorization.

CHAIR SCHMIDT: Oh, please.

MR. EGGERMONT: So we have a park front parcel category.

MS. ROBERTS: What does that mean?

MR. EGGERMONT: Yeah, so it's -- we lost the Tax Tribunal case in 2019 because we had charged lakefront and that's relatively common from what I understand. There's an article in the Riparian magazine in the last couple of months that noted this. We made sure to check with our legal counsel in advance that the way that we're doing it would hold up and that we wouldn't end up having some kind of legal issues down the road. The way we're creating it is defensible.

So what it does, essentially there's two parcels in front of different sides, opposite sides of the lake, that have a thin, narrow strip of park in front of them. What we had contested in 2019, I believe it was, was that people had sheds or no trespassing signs and that it wasn't used as a park, or we lost that. So we, this time around, we would have lost that same. So we had to do something different.

And so what we did, I scouted around and talked to the Livingston Drain Commissioner at one point and asked him if he had anything. He said, "Oh, yeah, we created a park front categorization and we charge 82

percent of what the lakefront would be, because it's pretty reasonable that you have a, you know, we do it by benefit." People that have a park have a different benefit than people who have a lakefront. It's slightly less. People who have -- and it's a greater benefit than folks who are back lot. You're definitely closer to the lake. So you have other things. You have additional benefit that back lot owners don't.

So we came up with and used the same rationale and same -- we used the precedent with Livingston County to create a park front property for those. And we've checked it with legal counsel and we think it's very defensible to have that categorization. So if you have questions, bring it up during public comment, but I wanted to explain that because it is new and different.

CHAIR SCHMIDT: Very good. Thank you.

All right. So that gets us through the description of the project. So we're going to open the public comment period of the public hearing now. So if you want to speak, I'll call your name because you will have already filled out a card. You'll come up and speak to this microphone here because that allows our court reporter to get a nice clear recording.

We'd like you to state your first and last name, property address, municipality, county, and state. And

please be aware that comments are limited to three minutes. And we'll do them in this order -- and I don't think we have any letters, so we don't have any of those to do. We're now going to move on to in-person comments, and we'll move through those, and then we'll do remote participants if there are any that show up.

OPEN PUBLIC HEARING

PUBLIC COMMENT

CHAIR SCHMIDT: Very good. Okay.

So Jessica Roberts.

MS. ROBERTS: Now I have another question.

CHAIR SCHMIDT: Just include it in your comments and staff will be taking notes.

MS. ROBERTS: So my name is Jessica Roberts. I live at 11485 Pleasant Shore Drive in Washtenaw County, Freedom Township. And I reside with my mother, who is the homeowner, Catherine Roberts, and I'm here in part on her behalf.

My first question is on the park front. My understanding is that the parks in Bonnie Brae are for the sole and only use of the owners. And so why would we have a separate designation of a park front when they are part and parcel of the easements within our area? That would be the first question.

Second question is, if people have multiple

parcels, are they paying on each parcel? Because we have a lot of people that, quote, "don't have lakefront," but have parcels and have lake access. And so, you know, making that equitable would seem like a good idea. And I'm going to leave it there.

I have some other comments. As a homeowner, as someone who grew up on this lake, has lived there 55 years, we've never had a boat with a motor. We now have a dinghy with a 30-mile-per-hour motor. So for me and for my family, having a weeded lake is not necessarily a priority. But I understand for the pontoon boat owners, for the jet skis, all the people that get the weeds in their props and can't go anywhere, that that's important.

But I think that there are also agreements then about, you know, the homeowners that are paying for these also expect to be able to enjoy their lake, right? And sometimes things are happening that don't seem to fall in line for me. For example, I feel I've seen the wholesale destruction of a wetland that I grew up with. It's been plowed, it's been dredged, it's been lined, and now they want to weed it. I'm not real happy about that. I don't know who addresses that.

We've seen -- we live on a private road, so things go the way people decide. And we used to be trying to reduce the drainage into the lake, but we've seen a

bigger drain put in. I think that's something that needs to be addressed. But because we're on a private road, it's hands-off. But it affects the lake, and it affects the lake residents.

We've seen aerators in the lake keeping the lake open, and then the birds poop all winter, and then people wonder why they have piles of weeds, and they want special, extra treatment that we're paying for so that they can go on their front lot that they've mangled all winter when a good hard freeze would have helped them out. I'm not saying it would have made it perfect, but we don't have any support or backup to enforce any of those things, so anything goes because you're on a private road, right?

In theory, Pleasant Lake is a private lake, no public access, and we have tried really hard to enforce that. And I fear we're headed down a road where those agreements are going away, where people are letting people on the lake with their boats through easements that they shouldn't be, that they feel they have a right to control that they don't. We have people putting up signs on private parks in a district where it says in the plat for the sole and only use of the owner, and now it's saying for the owner, their grandchildren, anyone they like, anyone they feel like. They don't feel like they have to supervise them. All the homeowners are responsible for

what happens there if anyone's injured.

It's different when -- my time's up, and I have a lot more to say.

MR. EGGERMONT: That's 30 seconds.

CHAIR SCHMIDT: I don't know if this is proper, but I'm going to roll the dice on this one. I think if you put this in a letter and submit it as well, that would be accepted as part of your comments as well.

MS. ROBERTS: Okay. My goal would be to just have you hear the bigger picture because sometimes it gets lost. And I know you only control this piece.

CHAIR SCHMIDT: Right. Absolutely.

MS. ROBERTS: But there are agreements.

CHAIR SCHMIDT: Understood.

MS. ROBERTS: And when they're broken, you don't get to enjoy your home, but you're asked to pay the taxes for it, for other people to enjoy your home. Thank you.

CHAIR SCHMIDT: Very good. Thank you.

Steve Weindorf? Steve? No Steve?

MR. EGGERMONT: That might have been a carryover from the last meeting.

MR. PRATT: Oh, yeah, he was online on the last one. That's right.

CHAIR SCHMIDT: Okay. Beth?

MS. HEUSER: Thank you.

Hi. Beth Heuser. 11254 Hieber Road, and that's spelled H-I-E-B-E-R. Not like the envelopes that were this way. So I just want to make sure that that is corrected. Yes, thank you. And Manchester, Michigan 48158.

And I have two different things I would like to talk about. Just to be quickly here, I got an extra letter here, which I did in the very beginning when we had one, for my canal lot. And it's not my canal lot. It is the bottom land. There's an acre out there. And so I have a canal lot that's by Lima Center and Hieber, on the corner of that area, and then the acre that goes out into the lake. And so since that was contiguous, that was not charged twice. So I got two letters thinking I might get two, and it's contiguous, so I don't think that's the way it should be. It hasn't been that way.

MS. KOLOSKI: We will look at it.

MR. PRATT: Yeah.

MS. HEUSER: So the lot number here is N-14-22-302-002.

MS. KOLOSKI: Yeah, I know your properties. I --I won't speak, I'm sorry.

MS. HEUSER: And the second thing I'd like to talk about is the fact that when we go around and hand out flyers for a day like today, which was our retreatment

day, we usually get to visit with a lot of the residents. And I visited with one resident for a very long time. Her name was Greta Malaka (phonetic), and she lives right by the weir. And so that was a very interesting visit, because she had a lovely yard, and she's a lovely person. But she's very concerned about the weir, and that's why I'm talking about it, because I am very concerned about the weir, as I got a close-up picture. There's logs in the weir. And, so, there's logs, there's all kinds of vegetation growing up on the weir, in the weir. And it just seems like, you know, something that really needs to have the Drain Commission's attention.

MR. PRATT: I got a note.

CHAIR SCHMIDT: Okay.

MS. HEUSER: Because there's also a rotten, there's a vacant lot, but then there's a dock that's going to tumble in. And guess where it's going to go? It's going to go into the weir. We'd be happy as property owners if we could do something about it, but I don't know what we'd do. Maybe, Karen, you can help with that; I don't know. To try to get that dock out before it does venture down the weir, because it's right next door to it.

MR. EGGERMONT: Beth, that's three minutes. If you could wrap up your thought.

MS. HEUSER: Sure. All right. That's all I

have to say. I just need some cooperation with the weir for Greta, because she's very concerned about it. And I think we, since it does -- it's on the lake, then we all should be concerned about it, especially the Board.

CHAIR SCHMIDT: Thank you.

MS. HEUSER: Thank you very much.

CHAIR SCHMIDT: Thank you for your comments.

MR. NORDEEN: Beth is the president of the PLPOA, the Lake Association. And Karen Flahie is member of the Planning Commission for Freedom Township.

MS. FLAHIE: That's why she said if I could do something.

CHAIR SCHMIDT: All right. Excellent.

MS. FLAHIE: Not me personally.

CHAIR SCHMIDT: All right. Next up, Lon. Lon Nordeen.

MR. NORDEEN: Thanks, Beth.

Well, the Board of Public Works Commissioners, thank you. Thank you. I know you have a fun job, don't you?

I gave you this piece of paper. The only reason I gave you this paper --

MS. KOLOSKI: Lon, we need your name and address.

MR. NORDEEN: Oh, I'm sorry. Lon Nordeen, 11844

Hieber. I was at 11268. I've been there about 15 years. And I've been involved in this lake management program from several years before.

So the reason I gave you this piece of paper right here at the start is something you're very familiar with, which is the map of what you guys do. So I just wanted to circle our lake, because what Beth just addressed is the thing that comes out of the left part of the lake.

So thank you for what you do. And really, I'm asking for two things. One, please vote yes. Okay, because don't forget, we had one cycle of five years. A second cycle of five years, this will be a third. And we're here because of the hard work of Beth and a number of the other people behind me who worked with and talked to every person who lives on the lake, and we got a majority of the letters. Okay, so we work really hard. So teamwork, cooperation.

The other reason I put this in is just so you know what the hell PLPOA is, because you've heard it.

But I want to, again, focus on another thing. I am very proud that Freedom Township has voted yes and that we have worked for 10 years with you as a team, these two and you and Evan. But I want to point out, this was an article that was put in about the 2022 PLPOA meeting. And

I want you to sit for a minute, really, and be proud of your people, like Theo, like Jacqueline Bates, Kristen -- I can't even pronounce her last name in German.

CHAIR SCHMIDT: Schweighoefer.

MR. NORDEEN: Oh, thank you.

But we had a meeting two years ago, and I've got to tell you, it's one of the best meetings we've ever had because your experts came on and talked about septic, you talked about health department things, because one of the issues that I see happening a lot is we've had blue-green algae outbreaks, several of them. So, again, not to use more time, thank you for what you do and what you do, and that Evan, remember your team came out in 2017 to help correct the weir.

MR. PRATT: Uh-huh.

MR. NORDEEN: Yes, people complained, "Oh, I get a bill." But you know what? We all work as a team. And that's the message I want to close with. You guys do hard work. Your team is great. Please send the people out to do more meetings like this. This was fantastic. Seriously. To have the Health Commissioner come out and talk about septic issues, to have your team, Theo, sit there and talk about it. He even came to the Michigan Lake and Stream Association meetings, and she was there, Lauren, than this last year. So part of your efforts for

success is public outreach, meeting with us, talking to us. Thank you.

So please vote in favor of this because, you know, what happens is we work as a team with you, and we work as a team with other lakes that you help. So, again, that's my message. Please vote yes and help us continue this good work.

And also, by the way, we can help you with the political stuff, too. Seriously. We know how to do that. So, thank you.

CHAIR SCHMIDT: Thank you. Thank you for your comments.

I've exhausted my stack of speaker cards. Is there anyone else who would care to speak this evening with regard to this lake improvement project?

MS. FLAHIE: Oh, I will. Lon's looking at me.

CHAIR SCHMIDT: Okay. So I'm going to trouble you to fill out a card.

MS. FLAHIE: Yeah. Okay, then. Thank you.

CHAIR SCHMIDT: And --

MS. FLAHIE: Thank you.

MR. MCCRIRIE: No pressure. We're all staring at you.

MS. FLAHIE: I know. You all are. I can feel it.

MR. NORDEEN: We joke with her sometimes that we have to call her Honorable.

CHAIR SCHMIDT: Honorable.

MR. MCCRIRIE: While she's doing that, can someone tell me where the weir is on the lake?

MS. HEUSER: It's on Reno Road.

MR. NORDEEN: See at the end of the lake, right there, the thing that comes out?

MR. MCCRIRIE: Okay. Other, here? Okay.

MS. HEUSER: Reno and then -- Reno is going north and south.

MR. NORDEEN: Gary, it's right here. This thing that sticks out. See that thing right there?

MR. MCCRIRIE: Okay.

MR. NORDEEN: Yeah, that's a county drain that actually goes into Mill Creek.

CHAIR SCHMIDT: Karen Flahie?

MS. FLAHIE: All right.

CHAIR SCHMIDT: You're up.

MS. FLAHIE: Hi. Karen Flahie, 11164 Hieber, Freedom Township.

I am a lake resident and have been 44 years next month, so I've seen a lot of changes on the lake. I am also a Planning Commission member for the Freedom Township. And as for weir, the road commission is looking

at doing improvements with the drain under the road, too. So that's in process.

I love my lake, obviously. When my husband passed away 12 years ago, my lawyer said, "I don't know if you can afford to continue living on the lake." And I said, "I don't know where else I would ever want to live." And fortunately for me, things have worked out that I have been able to stay here for the last 12 years, and it's a bounty. And there's bald eagles on our lake now, which is pretty amazing, that there haven't been.

The whole process of going through this weed control, there's been a long, long history, starting with doing biologics and everything else that didn't work. But I do know that there's been a vast improvement in the quality of the lake and the ability to not become more and more weedy.

I think that this whole Special Assessment project should continue. It's been very beneficial. It's a positive for our lake and for our home values, because if we have a big weed infestation and a swamp in front of our homes, it's not going to help the value of our houses. It's going to deteriorate it drastically.

So thank you for all the hard work you've done. I really appreciate you working, again, as Lon said, as a team. I think education is the most important part. I

think a lot of people that complain, and I've noticed from the other meetings, are people that don't have the education, that haven't taken the time to really find out what this is all about. Because the same people that complain about chemicals in the lake are the ones that put the Roundup in their yard, so, a little disconnect there.

MR. MCCRIRIE: They've got real green grass, though, don't they?

MS. FLAHIE: Oh, beautiful.

UNIDENTIFIED SPEAKER: And a lot of boats. Have a lot of boats.

MS. FLAHIE: I have, what I call mine is the all-American traditional lawn, you know? It's variations and stuff like that because I've never put anything on my lawn because it goes right into the lake, and I know that, so.

That's all I have to say. Thank you very much.

CHAIR SCHMIDT: Thank you.

Theo, do we have any remote participants?

MR. EGGERMONT: No.

CHAIR SCHMIDT: So last call for those here in person. Any other folks who would like to speak? Looking in the back row? No?

(No response).

CLOSE PUBLIC COMMENT

CHAIR SCHMIDT: Very good. All right. Thank you. Given that we have no other speakers, I'm going to close the public comment portion of this hearing. And move on to consideration of our resolution to move forward. Is there a motion to approve that resolution?

MR. WEINERT: So moved.

CHAIR SCHMIDT: Moved by Brian. Any support?

MS. ROOT: Support.

CHAIR SCHMIDT: Thank you.

Moved, support.

BOARD OF PUBLIC WORKS TO APPROVE/DENY RESOLUTION

CHAIR SCHMIDT: So any discussion? Comments, concerns, questions?

Kathleen, I know you have questions.

MS. ROOT: My concern was just the comment she made about the weir, but I know I heard Evan say that he's on top of it. He made a note. So I know that that's going to be addressed.

MR. PRATT: Yeah, we'll send staff out to take a look at it and do what we can do in that area. Not all the property is ours. So we can do what we can do on ours. We probably can't do anything about a dock that's on private property.

MS. HEUSER: No. Okay. Yeah. We'll have to --

MR. PRATT: Until unfortunately it floats our

way.

MS. HEUSER: Maybe we'll just have it pulled by, just floated away somewhere else.

MS. FLAHIE: That means it's going to be our house where all the trees are coming.

MS. HEUSER: Someone down near my own (unintelligible) that can pick it up. And we'll just take care of it ourselves.

CHAIR SCHMIDT: Any other comments or questions from the Board?

MR. PRATT: Do you want to elaborate any more on the park front designation deal? Based on comments, anything more to add or?

MR. EGGERMONT: I think it's honestly something I want to look into a little bit more.

MS. ROBERTS: Yeah, my understanding is those aren't public. That's the piece I'd like you to address, that those really go with the subdivision and are for the sole and only use of the owners, according to the plat. And people have made these park designations and now we're trying to twist what they are, which used to be easements for the back lot owners, ingress and egress to swim. And I feel like there's a change going on when they got on the map. And now we have people coming around looking for public access where there is none and trying to do things

there that they don't really have a right to do.

CHAIR SCHMIDT: Very good. And staff's going to take a look at that.

MS. ROBERTS: Thank you. And I appreciate that because I wonder, that designation, then we start putting into law things that aren't accurate --

MR. EGGERMONT: I think the -- I'm going to start -- so I think the aspect that I'm going to, and my thoughts on it, are we have park parcels, we know we lost a Tax Tribunal case and we cannot have lake frontage. And so we are in a box of here's what we can do and can't do and here's how the parcels are.

MR. PRATT: Yeah.

MR. EGGERMONT: And that's something that's also out of our control. But the consideration essentially for me is we have two different types of parks, which is something that I need to look more into. Does that merit a different benefit based on the different types of parks?

MR. PRATT: Yeah.

MR. EGGERMONT: So that's what I'll be able to look at.

MR. PRATT: If I heard you correctly, Theo, what you basically are saying to us is while people might not appreciate the 82 percent, there's a pretty good chance if anybody looks and understands why we lost the Tribunal and

the others, that instead of 82 percent we could get zero from those lots if people were to appeal it. So that's something to keep in mind as we spread the costs, 82 percent or zero?

MS. ROBERTS: How many lots is it?

MR. MCCRIRIE: Several.

MR. EGGERMONT: Around 11 to 13, I want --

MR. PRATT: Yep.

MR. EGGERMONT: -- to say, in the back of my head. I can't remember which park there is. But we have the map in the back. We can pull it up. But it's roughly 10.

MR. PRATT: Yeah.

MR. NORDEEN: Can I point out one other thing? I attended the Michigan Lake and Stream Association meeting, and Cliff Bloom is their top water lawyer, and there is some new legal actions by the Michigan Supreme Court in this case. Not this case, not at our town. But I'm saying that before we lock this thing up after the second session, you ought to at least look at the documentation, and I can ship it to you, but there's some Supreme Court cases that ask questions about the validity of the front, back, and the middle charges, so.

CHAIR SCHMIDT: Okay.

MR. EGGERMONT: And I have brought that up to

legal counsel, and we have that box has been checked.

MR. PRATT: Yeah. Good.

CHAIR SCHMIDT: Okay. Excellent. Okay.

Any other comments, questions from the Board?
Brian.

MR. WEINERT: Just a couple. Oh, go ahead.

CHAIR SCHMIDT: No, no. Go ahead.

MR. WEINERT: I just wanted to clarify the five-year estimated cost is \$270,500. Can you just say a word how that compares to what the assessment was in the last five-year period? Is it a pretty static amount? Has it gone up appreciably?

MR. EGGERMONT: It's increased, and I'll go over the different charges by parcel, because I think that's what matters to folks.

MR. WEINERT: Yeah.

MR. EGGERMONT: And, you know, note in the world of inflation, you know, this has -- I can't recall what it was 10 years ago when I wasn't around, but from the last assessment, the charges for a back lot owner were \$125.00; those are \$157.50. The charges for a front lot owner were \$325.00; those are now \$375.00. And the commercial charge was \$425.00; those are now \$600.00. So I want to say I'm not going to take a -- I don't have the number on hand for the total. I can certainly follow up with you on that.

CHAIR SCHMIDT: Yeah, I think in preparation, if this resolution passes this evening, we probably should have some estimates on the number of parcels to which -- that fall into each of those categories.

MS. KOLOSKI: We can do that.

MR. EGGERMONT: I might have it here.

CHAIR SCHMIDT: Okay. No rush. I just think it would provide a more complete picture when considering the roll.

MS. KOLOSKI: Okay.

CHAIR SCHMIDT: All right. Any other comments?
Gary, you have something?

MR. MCCRIRIE: Just real quick. So your lake is not unique in this park situation. So when they were planning these things however many years ago, no one anticipated this. You know, rowboats and canoes and people were bathing in these lakes, and that's why they were providing for all these things, and now we've morphed into what we've morphed into, and they couldn't have anticipated it when they were doing it. And it's created some real problems. And, you know, people protect riparian rights or what they perceive to be the riparian rights pretty aggressively, and there's a lot of new litigation over it because of just how valuable waterfront parcels are. And hopefully we can kind of solve that over

time, but this is a moving target.

What I think you should understand is we're trying to make the assessment roll as bulletproof as possible. So if somebody says, "I'm not interested in paying for this," and there's always a handful of people. You live on a private road. Not everyone contributes to what is the benefit for everybody. There's always one or two freeloaders, and it falls to most of the people who want to make some improvements. That's not unusual in these as well.

MS. ROBERTS: Right.

MR. MCCRIRIE: So one or two freeloaders want to go to the Tax Tribunal, and they make their case. Tax Tribunal doesn't care about your lake. They don't know where your lake is, and they make a decision about whether it was legitimate to assess them the same as they assessed to a person who's a true riparian. Right? And then they don't get to pay anymore. They don't have to pay anymore at that point. And so then the burden falls on the rest of the people to pay their shares.

And so the effort is to try to make sure that that argument is not going to be successful at the Tax Tribunal. That's where they're going with this.

I mean, you enjoy -- you know, I see the park in front of yours. It's also interesting that just to the

west --

MS. ROBERTS: I don't enjoy the park in front of mine --

MR. MCCRIRIE: No, I --

MS. ROBERTS: -- because people are changing how they're using it and making it miserable.

MR. MCCRIRIE: You are not unique in this.

MS. ROBERTS: Yes, I know.

MR. MCCRIRIE: And then just to the west of you, we've got a walkway that is platted in there that's very, very interesting as well.

MS. ROBERTS: That everybody would like to have go away.

MR. MCCRIRIE: Well, you've got to modify the plat, and you've got to get almost --

MS. ROBERTS: But they've done that in other areas in the same plat --

MR. MCCRIRIE: Yeah, good luck.

MS. ROBERTS: -- and those people got to build their McMansion because of it --

MR. MCCRIRIE: What I'm saying is --

MS. ROBERTS: -- even though I think that land still belongs to the -- to everyone.

MR. MCCRIRIE: What I'm saying is that the effort is to try to make sure that the assessment roll --

MS. ROBERTS: Is fair.

MR. MCCRIRIE: -- is bulletproof so that we're not going to have the people who don't want to pay their first share but still want to enjoy the benefits of what the assessment is doing at the Michigan Tax Tribunal.

MS. ROBERTS: So what I don't want you to do is put into law benefits that they don't actually have.

MR. MCCRIRIE: That doesn't do this.

MS. ROBERTS: Okay.

MR. MCCRIRIE: This is merely assessing --

MS. ROBERTS: Because every time we call it a park, and then people think it's public, and then they want to bring their friends, and they want to do all these other things because they paid money, like more of their boats, which they don't have a right to do.

MR. MCCRIRIE: I understand.

MS. ROBERTS: I get what you're saying.

MR. MCCRIRIE: Again, I'll say you are not unique in this.

MS. ROBERTS: I'm sure.

MR. MCCRIRIE: And this is going on all over the place.

MS. ROBERTS: I know. Welcome, AirBnb.

MR. MCCRIRIE: So we're trying to make sure that the money that's being levied is being levied fairly.

MS. ROBERTS: Equitably. I get that.

MR. MCCRIRIE: And that there's enough money in the coffers when the bills need to be paid that we can pay the bills so that your lake gets rid of as many weeds as possible. That's all.

MS. ROBERTS: Great. Can we get somebody to take over the private roads so that's equitable and everyone has a voice?

MR. MCCRIRIE: No. No.

MS. ROBERTS: Sorry. That would be nice. It would solve some problems.

MR. PRATT: You can do that. We cannot.

MR. MCCRIRIE: Yeah. Private is inherently private.

MS. ROBERTS: Yeah. Well, that means it's not bully proof.

CHAIR SCHMIDT: Any other comments or questions from the Board?

(No response).

CHAIR SCHMIDT: Very good. At this point, Michelle, would you do us the honors of calling the roll?

MS. KATZ: Certainly.

Weinert?

MR. WEINERT: Yes.

MS. KATZ: McCririe?

MR. MCCRIRIE: Yes.

MS. KATZ: Pratt?

MR. PRATT: Yes.

MS. KATZ: Schmidt?

CHAIR SCHMIDT: Yes.

MS. KATZ: Root?

MS. ROOT: Yes.

MS. KATZ: Dave?

MR. DAVE: Yes.

CHAIR SCHMIDT: Motion carries. Excellent.

So what that means is that we're going to proceed to another public hearing to confirm the Special Assessment roll. And Theo's going to talk a little bit more about the other next steps associated with the outcome of this decision.

NEXT STEPS

MR. EGGERMONT: Yeah.

So next steps, we'll continue to look into commentary that was brought up tonight, bring that up for discussion, talk about it internally with staff, with Board Members as appropriate, and then bring any changes to the second public hearing, and continue to work on the Special Assessment roll. That's part of the reason why we posted it. If there are potential issues with the parcels, if somebody bought a parcel and it's now owned

next to a -- contiguous to a parcel they own, that might be combined, something that we may have missed. So we'll continue to amend the roll, and our goal is to have the best roll that we can for the next public hearing so that that can be approved with the charges.

So we'll update the map and items on our website, and then we'll bring that to the Board for consideration, and that's what they'll consider at the next public meeting is should that, should the charges, should the way that the project has been designed be approved. And then we'll have a second public hearing on July 17th, same time, same place, here, and as well on Zoom for the Board to consider if this should move on.

If they approve that, then it will go under winter taxes in 2024, and then funds will be available to continue the project in 2025.

CHAIR SCHMIDT: Excellent. All right. Thank you, Theo.

I want to thank everybody here for coming out and participating in local government. Thank you. I know it's a great evening and probably won't be elsewhere, so I'm not going to stand between you and it anymore.

MR. PRATT: Enjoy the sunset.

CHAIR SCHMIDT: Absolutely.

Is there a motion to --

UNIDENTIFIED SPEAKER: Is the next meeting at 7:00 also?

ADJOURNMENT

CHAIR SCHMIDT: Is there a motion to adjourn?

MR. MCCRIRIE: So moved.

CHAIR SCHMIDT: Moved.

MR. WEINERT: Support.

CHAIR SCHMIDT: Support. All those in favor?

MR. PRATT: Aye.

MS. ROOT: Aye.

MR. MCCRIRIE: Aye.

MR. WEINERT: Aye.

MR. DAVE: Aye.

CHAIR SCHMIDT: All right. We're done. Thank you very much, everybody.

(Meeting adjourned at 7:42 p.m.)

STATE OF MICHIGAN)
COUNTY OF WASHTENAW) ss.

I certify that this transcript is a complete, true, and correct transcript to the best of my ability of the, WASHTENAW COUNTY, BOARD OF PUBLIC WORKS, SPECIAL MEETING, FIRST PUBLIC MEETING, PLEASANT LAKE IMPROVEMENT PROJECT, held Wednesday, June 12, 2024.

I also certify that I am not a relative or employee of the parties involved and have no financial interest in this matter.

DATED: June 19, 2024

S/ *Kristen Shankleton*

Transcription provided by:

Kristen Shankleton (CER6785)

Modern Court Reporting & Video, L.L.C.



Evan Pratt, Secretary

Date Approved: 7/17/2024